ASIAN AMERICANS ADVANCING JUSTICE SOUTHERN CALIFORNIA

OPEN LETTER

October 21, 2026
Via Electronic Mail and U.S. Mail

To:

Los Angeles County Sheriff Robert G. Luna
Orange County Sheriff-Coroner Don Barnes
Riverside County Sheriff Chad Bianco
San Bernardino County Sheriff- Coroner Shannon D. Dicus
San Diego County Sheriff Kelly A. Martinez
Ventura County Sheriff Jim Fryhoff
Santa Barbara County Sheriff-Coroner Bill Brown
Imperial County Sheriff-Coroner-Marshal Fred Miramontes
Kern County Sheriff-Coroner-Public Administrator Donny Youngblood

Re: Protecting Voters and the Use of County Law Enforcement During Federal Operations Surrounding the November 3, 2026 General Election

Dear Sheriffs:

In October 2025, Asian Americans Advancing Justice Southern California (AJSOCAL) asked Orange County Sheriff Don Barnes to state publicly, before Election Day, that Orange County deputies would decline requests from federal agents for force protection near the polls.[1] Sheriff Barnes responded promptly and artfully, disclaiming any authority to prevent federal officials from carrying out their duties.[2] We had asserted none. We asked what he would do with his deputies.

Earlier in 2025, advocating increased funding to address what he called the crisis at our southern border, Sheriff Barnes said: "As the federal government fulfills this responsibility, it is important that local peace officers remain focused on the enforcement of state and local law."[3]

We write to each of you because your offices hold grave authority, and you owe the electorate an accurate account of it. Sheriff Barnes assumed that the federal government "fulfills this responsibility." To hold a responsibility is not to fulfill it, and federal courts' rulings on ICE's conduct over the past eighteen months contradict the assumption.

[1]Letter from Sean F. Bigley, AJSOCAL, to Sheriff Don Barnes, Orange County Sheriff's Department (Oct. 27, 2025); see also Letter from Sean F. Bigley to Sheriff Don Barnes (Oct. 31, 2025).
[2]Letter from Don Barnes, Sheriff-Coroner, Orange County Sheriff's Department, to Sean Bigley (Oct. 29, 2025).
[3]Orange County Sheriff's Department, Statement of Sheriff Don Barnes (Jan. 27, 2025).

AJSOCAL established its habeas practice in March 2026 in response to federal immigration enforcement in Southern California. Since March, we have secured federal court orders releasing five men unlawfully detained at Adelanto.[4] That number will continue to grow, and our colleagues have obtained relief for many more. By the time the courts intervened, our neighbors had already been ripped from their families and caged. Federal agencies exercised their authority, but they did not fulfill their responsibilities.

That distinction matters as we approach the November 3, 2026 General Election. California's Constitution requires that each county elect a sheriff.[5] The Legislature directs that sheriff to preserve the peace and to prevent and suppress breaches of the peace that come to the sheriff's knowledge.[6] It confers powers to accomplish those duties.[7] The duty is mandatory, but you each hold discretion as to the means employed to achieve it. The duty does not lapse because a disturbance originates in another agency's operation.

Nothing in the duties California has conferred on your office obliges you to place the personnel and resources through which you keep the county's peace at another sovereign's disposal.[8] Federal law could not commandeer those resources if it tried.[9] When a sheriff volunteers county force, he or she remains answerable for its use.

California law also distinguishes sheriffs and their deputies, who are California peace officers, from federal law enforcement officers, who are not.[10] The Legislature has specified the limited circumstances in which federal officers may exercise certain state powers. Every commitment this letter seeks concerns the exercise of powers you possess by virtue of your present office.

---

[4][Insert case citations for each of the five habeas matters, with the ground of decision in each.]

[5]Cal. Const., art. XI, § 1, subd. (b). Cal. Gov't Code § 24200 (West 2026); Cal. Elec. Code § 1300(a), (c)–(d) (West 2026).

[6]Gov. Code, §§ 26600, 26602. (West 2026).

[7]Gov. Code, §§ 26600, 26601, 26604. (West 2026).

[8] See Cal. Gov't Code §§ 26600–26616, 7284.4(f), 7284.6(a)(1), (f) (West 2026); Cal. Att'y Gen., Op. No. 25-602, at 5–15 (Aug. 11, 2026), https://oag.ca.gov/system/files/opinions/pdfs/25-602.pdf.

[9] *Printz v. United States*, 521 U.S. 898, 935 (1997) (holding that Congress cannot compel state or local executive officers to administer a federal regulatory program).

[10] Cal. Penal Code §§ 830.1(a), 830.8(a)–(b) (West 2026).

Your departments have repeatedly acknowledged this distinction. Los Angeles County Sheriff Robert Luna has called immigration enforcement a federal law enforcement issue.[11] San Diego County Sheriff Kelly Martinez has said that local law enforcement does not enforce immigration law or inquire into immigration status.[12] Ventura County's law enforcement leadership, under Sheriffs Dean and Fryhoff, declared in 2017 and again in 2025 that it had not historically participated in the direct enforcement of immigration laws and intended to maintain that practice.[13] Former Sheriffs Hutchens and Gore made similar statements.[14] Santa Barbara County Sheriff Bill Brown's formulation is the most precise: "We do not enforce or assist in enforcing federal

[11] Jovana Lara, *LA County Sheriff Robert Luna: Department Will Not Assist in Immigration Enforcement*, ABC7 Los Angeles (Feb. 13, 2025), https://abc7.com/post/la-county-sheriff-robert-luna-says-department-will-not-assist-immigration-enforcement/15903375/.

[12] ABC 10News Digital Team, *Full Interview: San Diego Sheriff Addresses Local Law Enforcement's Role in Immigration Enforcement*, ABC 10News San Diego (2025), https://www.10news.com/news/local-news/san-diego-news/full-interview-san-diego-sheriff-addresses-local-law-enforcements-role-in-immigration-enforcement.

[13] Ventura County Law Enforcement Coordinating Committee, *Ventura County Law Enforcement Statement Regarding Immigration Enforcement*, at 1 (Jan. 2025), https://www.vcdistrictattorney.com/wp-content/uploads/2025/01/VCLECC-Statement-Reg-Immigration-Enforcement_2025-English-Spanish-1.pdf; Peggy Kelly, *Immigration Issue a Wild Ride for Law Enforcement, ICE, Public*, Santa Paula Times (Feb. 24, 2017) (reproducing the Committee's Feb. 9, 2017 statement), https://santapaulatimes.com/news/archivestory.php/aid/31492/Immigration_issue_a_wild_ride_for_law_enforcement%2C_ICE%2C_public.html.

[14] Sandra Hutchens, Sheriff-Coroner, Orange County Sheriff's Department, *Sheriff Hutchens Clarifies OCSD's Role in Immigration Enforcement* (Feb. 25, 2017), reproduced in Art Pedroza, *Sheriff Hutchens Clarifies the OC Sheriff Department's Role in Immigration Enforcement*, New Santa Ana (Mar. 10, 2017), https://newsantaana.com/sheriff-hutchens-clarifies-the-oc-sheriff-departments-role-in-immigration-enforcement/; Alison St John & Marissa Cabrera, *San Diego Sheriff Gore Discusses Impact of New 'Sanctuary State' Law*, KPBS Midday Edition (Dec. 21, 2017), https://www.kpbs.org/news/2017/dec/21/san-diego-sheriff-gore-discusses-impact-new-sanctu/.

immigration law in our community, except as sparingly permitted by state law in our jails.".15 The word *assist* is the subject of this letter.

Sheriff Barnes was right about one thing. Local peace officers should remain focused on enforcing state and local law. The Legislature has recently made your obligations more explicit.

Senate Bill 73

In May 2026, California enacted Senate Bill 73, effective immediately. It added Elections Code section 15007, which prohibits peace officers from interfering in any manner with election administration or the duties of election officials, workers, and volunteers, except as necessary to respond to urgent threats to public health and safety.[16]

The legislation also directed the California Department of Justice to issue guidance for elections officials responding to law-enforcement requests for access to voting and ballot-handling locations. It amended restrictions on armed and uniformed personnel stationed at polling places and county elections offices and allowed the Secretary of State and Attorney General to object in writing to certain local authorizations. One of those provisions, which reaches anyone who hires or arranges for armed or uniformed officers to be stationed at a polling place or county elections office, expressly defines law enforcement officers to include federal agents.[17]

Section 15007 governs California peace officers. It expressly preserves validly exercised federal authority.[18] The Legislature has governed what California may govern: its own officers.

The consequence is direct. If a federal immigration operation interferes with election administration, county deputies who provide force protection for that operation may themselves risk violating section 15007. The statute's exception for urgent threats to public health and safety does not reach that conduct. When a federal operation conducted near voters creates the threat, the exception permits deputies to address the danger to the public. It does not permit them to secure the operation that created it. Their federal counterparts fall outside that section. A federal badge does not create an exemption for the county deputies assisting the operation.

Sheriff Barnes's disclaimer of authority over federal officers therefore leaves the question unanswered. No one has asked him to command ICE. We asked whether he would lend ICE his deputies.

---

[15] Bill Brown, *On Immigration, Two Viewpoints Can Both Be Valid*, Santa Barbara County Sheriff's Office (Feb. 17, 2026), https://www.sbsheriff.org/on-immigration-two-viewpoints-can-both-be-valid-by-santa-barbara-sheriff-bill-brown/

[16] 2026 Cal. Stat. ch. 10, § 10 (S.B. 73) (adding Cal. Elec. Code § 15007).

[17] 2026 Cal. Stat. ch. 10 (S.B. 73) (adding Cal. Elec. Code § 15006 and amending §§ 18544–18545).

[18] Cal. Elec. Code § 15007 (West 2026); Cal. Penal Code §§ 830.1(a), 830.8(a)–(b) (West 2026).

Senate Bill 884

In September 2026, California enacted Senate Bill 884, the Protect Our Polls Act, effective for the November 3 general election.[19]

Section 403 generally prohibits law-enforcement arrests within 200 feet of an open polling place on Election Day, with exceptions for crimes involving disruption of the polling place, persons, or property. Section 405 requires officers to report suspected, planned, or actual violations of these provisions to the Secretary of State and Attorney General. Section 407 permits county election officials, in consultation with county counsel, to extend voting hours when a violation disrupts voting. Ballots cast during that extension are provisional.

Section 404 separately permits county supervisors to expand the electioneering boundary from 100 feet to as much as 200 feet.[20]

Those protections require action in real time.[21] If your department learns of a suspected or planned violation, it must report it to the Secretary of State and Attorney General.[22] If a violation disrupts voting, the Registrar needs that information while extending polling hours remains possible. A sheriff who withholds it may cost voters the remedy the Legislature provided.

The geographic limits define particular statutory offenses. Your duty to preserve peace extends beyond them.

A voter's path to the ballot does not begin at the 100 or 200 foot line. It begins at the voter's front door. The voter boards a bus, walks a sidewalk, crosses a parking lot, and stands in a line. Residents who have watched armed federal officers take neighbors from car washes, courthouses, workplaces, and transit stops are not likely to feel materially safer because those same officers are 201 feet from the polls.

Consider a federal operation at a transit stop serving a vote center or polling place, beyond the statutory boundaries. The Elections Code's distance rules may not reach your department there. Whether your deputies provide force protection for that operation then depends on your judgment.

---

[19] 2026 Cal. Stat. ch. 340 (S.B. 884), *Protect Our Polls Act* (adding Cal. Elec. Code §§ 400–409).

[20] Cal. Elec. Code § 404(a)–(d) (West 2026), added by 2026 Cal. Stat. ch. 340 (S.B. 884).

[21] U.S. Dep't of Justice, Office of Public Affairs, *Justice Department Charges 28 Foreign Nationals in California for Election Crimes*, Press Release No. 26-1222 (Oct. 19, 2026), https://www.justice.gov/opa/pr/justice-department-charges-28-foreign-nationals-california-election-crimes.

[22] Cal. Elec. Code §§ 405(b), 407(a)–(b) (West 2026), added by 2026 Cal. Stat. ch. 340 (S.B. 884).

And that judgment needs to be made before the operation occurs, not in the middle of an election emergency. A policy announced after October 24, 2026, will come too late.

County Deputies Are Not Federal Force Multipliers

In August 2026, at San Bernardino County Sheriff Shannon Dicus's request, the California Attorney General addressed whether the California Values Act restricts local officers pre-staged outside a federal immigration detention facility in anticipation of civil unrest.[23] The opinion's reasoning applies with equal force to deployments near federal immigration operations in the field.

The opinion distinguishes independent public-safety work from assistance to immigration enforcement. Local officers may respond to a specific, articulable threat of violence, even when that response incidentally benefits federal agents. But simply calling a deployment "public-safety" does not make it so when the surrounding facts show that local officers were actually deployed to assist immigration enforcement.

The Attorney General identified pre-staging officers with riot gear or crowd-control weapons before law-abiding protestors, absent a comparable threat or consistent public-safety practice, as evidence of that purpose. The opinion also observed that the Values Act was designed in part to prevent local officers from becoming force multipliers for federal immigration agents.

The example of a transit stop serving a vote center presents precisely that question.

Suppose ICE plans an operation there and asks your department to stage deputies nearby because it anticipates an angry crowd. No specific threat has arisen. The officers will be positioned to protect the federal operation against the public's reaction to it. Whose peace are the deputies being deployed to preserve?

A sheriff must respond to specific, articulable threats of violence, including threats against federal officers. A crime against a person remains a crime against a person. But the Legislature entrusted you with preserving the county's peace, and nothing in that duty requires you to hold back residents whose only offense is their reaction, so that another agency can carry through an operation that provoked them.

A local officer has already demonstrated the distinction. In November 2025, a Fullerton police officer encountered an armed federal agent in Santa Ana and declined to assist after finding no

[23] Cal. Att'y Gen., Op. No. 25-602 (Aug. 11, 2026), https://oag.ca.gov/system/files/opinions/pdfs/25-602.pdf.

crime.[24] The federal agent's credentials established his identity, but did not force the county deputy to surrender his judgment.

A sheriff who declines to commit deputies to federal force protection leaves federal agents free to exercise their lawful authority. He or she also keeps county deputies within the authority entrusted to them. If the sheriff supplies the force, he or she assumes responsibility for its use, including the consequences under California election law.

Requests

AJSOCAL asks each Southern California sheriff receiving this letter to adopt and publicly announce the following commitments by October 24, 2026, when vote centers open in most of your counties, and to communicate its force-protection policy directly and in writing to DHS, ICE, CBP, and other federal agencies operating in the county. Federal agencies should be told expressly that they must plan their operations without expecting county force protection, even when they anticipate violent resistance. Whether county deputies intervene in an actual emergency remains a judgment for the sheriff, not an assurance ICE may rely upon.

First, during early voting and on Election Day, deputies assigned to election protection will prioritize the safety of voters, election workers, and residents, the preservation of peace, and safe access to voting.

Second, the Department will decline requests to provide force protection, perimeter security, crowd control, traffic control, intelligence, detention capacity, or other operational support for federal civil immigration operations conducted at voting locations or along their approaches, including sidewalks, parking areas, transit stops, and queues, except as an independent response to a specific, articulable threat, as described in the third commitment. This commitment will apply beyond statutory buffer zones.

---

[24] Brittny Mejia & Rachel Uranga, *Fullerton Police Stop Man Pointing Gun at Female Driver, Only to Learn He Is ICE Agent*, Los Angeles Times (Nov. 10, 2025), https://www.latimes.com/california/story/2025-11-10/ice-agent-points-gun-at-female-fullerton-police-stop-not-knowing-the-identity-of-the-armed-male; see also *Fullerton Police Officer Involved in Incident with ICE Agent in Santa Ana*, Fullerton Observer (Nov. 12, 2025) (reporting the Fullerton Police Department's account), https://fullertonobserver.com/2025/11/12/fullerton-police-officer-involved-in-incident-with-ice-agent-in-santa-ana/.

Third, deputies will not be staged or deployed to control or disperse residents for the purpose of allowing a federal immigration operation to proceed. They will respond independently to specific, articulable threats to public safety, including threats against federal officers.

Fourth, suspected, planned, or actual violations of the election protections governing law enforcement will be reported promptly to the Secretary of State and Attorney General as required by law. Federal operations affecting voting locations or their approaches will also trigger timely notice to the Registrar of Voters, County Counsel, and command staff, together with preservation of records concerning the incident and any county involvement.

Fifth, deputies will be instructed that federal credentials neither enlarge county authority nor relieve county officers of their own judgment and duties under California law.

Sixth, the Department will respond promptly to Public Records Act requests concerning election security, voter safety, and interagency coordination.

The public should not have to wait for an incident at or near a voting location to learn whether county deputies will be protecting voters or helping facilitate a federal immigration operation. That answer should be clear before voting begins.

The residents of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Ventura, Santa Barbara, Imperial, and Kern Counties elected each of you for a term and for an object. The object is their peace.

Federal immigration agencies answer to the federal government. You answer to the people of your county. We ask you to make clear, before October 24, 2026 where your department stands.

We welcome the opportunity to discuss these requests with you or your staff and ask for a written response by October 24, 2026.

Respectfully,

Sean F. Bigley
Director of Litigation
Asian Americans Advancing Justice Southern California

Distribution

Sheriff Robert G. Luna
Los Angeles County Sheriff's Department
211 W Temple St Monterey Park, CA 91754 Los Angeles, CA 90012

Sheriff-Coroner Don Barnes
Orange County Sheriff's Department

550 N. Flower Street
Santa Ana, CA 92703

Sheriff Chad Bianco
Riverside County Sheriff's Office
4095 Lemon Street, 2nd Floor, Mail Stop #1450
Riverside, CA 92501

Sheriff-Coroner Shannon D. Dicus
San Bernardino County Sheriff's Department
655 East Third Street
San Bernardino, CA 92415-0061

Sheriff Kelly A. Martinez
San Diego County Sheriff's Office
John F. Duffy Administrative Center
P.O. Box 939062San Diego, CA 92123-9062

Sheriff Jim Fryhoff
Ventura County Sheriff's Office
800 S. Victoria Avenue
Ventura, CA 93009

Sheriff-Coroner Bill Brown
Santa Barbara County Sheriff's Office
4434 Calle Real
Santa Barbara, CA 93110

Sheriff-Coroner-Marshal Fred Miramontes
Imperial County Sheriff's Office
P.O. Box 1040
El Centro, CA 92244

Sheriff-Coroner-Public Administrator Donny Youngblood
Kern County Sheriff's Office
1350 Norris Road
Bakersfield, CA 93308

cc:
Registrar of Voters, each addressee county
County Counsel, each addressee county

Chair, Board of Supervisors, each addressee county
Hon. Shirley N. Weber, Ph.D., California Secretary of State
Hon. Rob Bonta, California Attorney General