
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 1095 **Hearing Date:** April 21, 2026
Author: Pérez
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Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Fusion centers*

HISTORY

Source: California Immigrant Policy Center; San Francisco Public Defenders Office; Immigrant Legal Resource Center; Council on American-Islamic Relations

Prior Legislation: AB 474 (Rodriguez), vetoed, 2023

Support: 18 Million Rising; 67 Sueños; Access Reproductive Justice; ACLU California Action; All of Us or None; Alliance for a Better Community; Asian Americans Advancing Justice-Southern California; Asian Prisoner Support Committee; Buen Vecino; California Coalition for Women Prisoners; California Public Defenders Association; Center for Human Rights and Constitutional Law; Clean Carwash Worker Center; Communities United for Restorative Youth Justice; Electronic Frontier Foundation; Ella Baker Center for Human Rights; Empowering Marginalized Asian Communities; Felony Murder Elimination Project; Freedom for Immigrants; Glide; Harbor Institute for Immigrant and Economic Justice; Health in Partnership; Immigrant Defense Project; Immigrant Legal Resource Center; Interfaith Movement for Human Integrity; Legal Services for Prisoners With Children; MILPA Collective; National Day Laborer Organizing Network; New Light Wellness; Orale: Organizing Rooted in Abolition Liberation and Empowerment; Orange County Justice Fund; Orange County Rapid Response Network; San Diego Immigrant Rights Consortium; Secure Justice; Services, Immigrant Rights and Education Network; Sister Warriors Freedom Coalition; South Bay People Power; Southeast Asia Resource Action Center; Transitions Clinic Network; Valor US; Viet Rise

Opposition: California Police Chiefs Association; California State Sheriffs' Association

PURPOSE

The purpose of this bill is to 1) prohibit a fusion center from participating in activity, cooperating, or sharing information with any governmental entity, as defined, when such action involves assisting immigration enforcement or violating the existing prohibition against racial profiling by law enforcement, and 2) require the California Office of Emergency Services (Cal OES) to annually submit a report to the Department of Justice (DOJ) containing specified information regarding fusion center activities.

Existing federal law provides that the Department of Homeland Security (DHS), under the federal Homeland Security Act of 2002, has responsibility for integrating law enforcement and intelligence information relating to terrorist threats to the homeland. (P.L. 107-296)

Existing federal law establishes the National Counterterrorism Center as the coordinator at the federal level for terrorism information and assessment. (P.L. 108-458)

Existing federal law provides that a federal, state or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service (INS) information regarding the citizenship or immigration status, lawful or unlawful, of any individual. (8 U.S.C. § 1373.)

Existing federal law provides that no state or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the INS information regarding the immigration status, lawful or unlawful, of an alien in the United States. (8 U.S.C. § 1644.)

Existing law provides that all people have an inalienable right to privacy. (Cal. Const., art. I, § 1.)

Existing law, the California Values Act, generally prohibits California law enforcement agencies from using agency moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, from placing officers under the supervision of federal agencies for the purpose of immigration enforcement, and from cooperating in other specified ways with federal immigration authorities. (Gov. Code, § 7284.6, subd. (a).)

Existing law establishes the Cal OES within the office of the Governor for the purpose of mitigating the effects of natural, manmade, or war-caused emergencies. (Gov. Code, § 8550, 8585, subd. (a).)

Existing law provides that Cal OES shall be considered a law enforcement organization as required for receipt of criminal intelligence information, as specified. (Gov. Code, § 8585, subd. (c).)

Existing law requires Cal OES to coordinate the emergency activities of all state agencies in connection with an emergency, and requires every state agency and officer to cooperate with Cal OES in rendering all possible assistance in carrying out its duties, as specified. (Gov. Code, § 8587, subd. (a).)

Existing law requires Cal OES to establish and lead the California Cybersecurity Integration Center (CCIC), whose primary mission is to reduce the likelihood and severity of cyber incident that could damage California's economy, its critical infrastructure, or public and private sector computer networks in the state. (Gov. Code, § 8586.5, subd. (a).)

Existing law provides that the CCIC shall serve as the central organizing hub of state government's cybersecurity activities and coordinate information sharing with local, state, and federal agencies, tribal governments, utilities and other service providers, academic institutions, and nongovernmental organizations. (*Ibid.*)

Existing law provides that the CCIC shall be comprised of representatives from various organizations, including the State Threat Assessment Center (STAC). (*Ibid.*)

Existing law requires the California Cybersecurity Integration Center to operate in close coordination with the California State Threat Assessment System and the United States Department of Homeland Security –National Cybersecurity and Communications Integration Center as specified. (Gov. Code, § 8586.5, subd. (b).)

Existing law provides that the CCIC shall provide warnings of cyberattacks to government agencies and nongovernmental partners, coordinate information sharing among these entities, assess risks to critical infrastructure and information technology networks, prioritize cyber threats and support public and private sector partners in protecting their vulnerable infrastructure and information technology networks, enable cross-sector coordination and sharing of recommended best practices and security measures, and support cybersecurity assessments, audits, and accountability programs that are required by state law to protect the information technology networks of California’s agencies and departments. (Gov. Code, § 8586.5, subd. (b).)

Existing law provides that information sharing by the CCIC shall be conducted in a manner that protects the privacy and civil liberties of individuals, safeguards sensitive information, preserves business confidentiality, and enables public officials to detect, investigate, respond to, and prevent cyberattacks that threaten public health and safety, economic stability, and national security. (Gov. Code, § 8586.5, subd. (e).)

Existing law provides that, except as authorized by statute, a government entity may not do any of the following:

- Compel the production of or access to electronic communication information from a service provider.
- Compel the production of or access to electronic device information from any person or entity other than the authorized possessor of the device.
- Access electronic device information by means of physical interaction or electronic communication with the electronic device, however this section does not prohibit the intended recipient of an electronic communication from voluntarily disclosing electronic communication information concerning that communication to a government entity. (Pen. Code, § 1546.1, subd. (a)(1-3).)

Existing law prohibits a peace officer from engaging in racial or identity profiling, as defined, and requires that the course of basic training for peace officers include adequate instruction on racial, identity, and cultural diversity, as specified. (Pen. Code, § 13519.4.)

This bill prohibits a fusion center operating in California from participating in activity, cooperating, or disclosing or sharing information with any governmental entity, or a contractor for any governmental entity, when participation, cooperation, or disclosure involves either of the following:

- Assisting or furthering immigration enforcement, unless pursuant to judicial warrant or court order.
- Investigating, interrogating, detaining, identifying, surveilling, detecting, or arresting people in violation of the prohibition against racial or identity profiling, as provided.

This bill prohibits a fusion center from allowing a governmental entity, contractor for a governmental entity, or private entity to work inside the fusion center when Cal OES knows or

has reason to know that the entity or contractor is presently engaged in or intends to engage in unlawful intelligence-gathering activity resulting in the violation of the constitutional or civil rights of a resident of California.

This bill prohibits fusion centers from providing office space for agencies engaged in immigration enforcement, or personnel, agents or subcontractors acting on their behalf, for use within the fusion centers.

This bill authorizes state elected officials, local elected officials and their staff to enter any fusion center for inspections, without prior notice or authorization.

This bill, commencing January 1, 2027, and each year thereafter, Cal OES must submit a report to the DOJ that includes all of the following information collected from fusion centers:

- A list of all federal, state, and local governmental entities and data brokers, including their contractors and vendors, that participate in fusion centers, a summary of their role and function, and any proposed or existing memorandum of understanding (MOU) or written agreement or material amendments to an existing MOU between these entities regarding participation in fusion centers.
- Number of requests for information and reports submitted to the fusion center from a governmental entity or data broker regardless of the reason.
- The general types of information collected by state law enforcement agencies and shared with federal law enforcement agencies while participating in fusion centers.
- A summary highlighting the principal reasons that a governmental entity or data broker is requesting information from the fusion center.
- How requests for information are submitted to the fusion center from a governmental entity or data broker and how quickly those are processed.
- An assessment of how fusion centers process incoming requests for information from governmental entities and data brokers.
- The number of times a federal law enforcement agency requested information or assessments from state law enforcement agencies and whether the state law enforcement agency determined that the reasonable suspicion standard was met for the activity.
- Any policies and standards for the use and retention of data gathered, processed, or analyzed by fusion centers.
- A catalog of the information requested by and provided to requesting governmental entities and data brokers and a list of the personal information that is reasonably believed to have been part of those requests.
- The process for validating the authenticity of the requesting governmental entities and data brokers seeking information requests from the fusion center.
- Whether a reasonable suspicion standard was met before state law enforcement agencies collected, maintained, or disseminated personal information through fusion centers.
- The types of agencies that staff each fusion center, including, but not limited to, the number of staff per agency and a staffing chart or flowchart detailing staffing and how decisions are made about responding to requests from governmental entities or data brokers.
- The number of actual or potential violations of state or local laws, policies, or department orders or procedures, the actions taken by the state law enforcement agency to address actual or potential violations, and recommendations to prevent future violations.

- A certification, under penalty of perjury, that the fusion center has not engaged in any acts intended to influence the decisions or assessments of the Department of Justice.

This bill requires the DOJ to conduct an annual audit based on the above report and submit that audit to the Legislature.

This bill provides that all records related to fusion centers are public records for the purposes of the California Public Records Act.

This bill prohibits Cal OES, fusion centers, and the DOJ from disclosing the name, address, social security number, or other unique personal identifying information of individuals stopped, searched, or subjected to a property seizure, for purposes of this section.

This bill defines the following terms for the purposes of its provisions:

- “Data broker” means a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship.
- “Fusion center” means a state-owned center operated by the Office of Emergency Services and involving a law enforcement agency and a governmental entity that gather, analyze, and share information, including, but not limited to, the State Threat Assessment Center, the Central California Intelligence Center, the Los Angeles Joint Regional Intelligence Center, the Northern California Regional Intelligence Center, the Orange County Intelligence Assessment Center, and the San Diego Law Enforcement Coordination Center.
- “Governmental entity” means the federal government, any state government other than California, any local government outside of California, and any agency, subdivision, contractor, or representative thereof, or any agreed upon or functional agent thereof.
- “Immigration enforcement” includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States.
- “Law enforcement agency” means a state or local law enforcement agency, including, but not limited to, any of the following:
 - A police department, including the police department of a transit agency, or any campus of the University of California, the California State University, or California Community Colleges.
 - A sheriff’s department.
 - A district attorney’s office.
 - A county probation department.
 - The Department of the California Highway Patrol.
 - The Office of Emergency Services.
 - The Department of Justice.
- “Personal information” means any information that is maintained by an agency that relates to, describes, or is reasonably capable of identifying or describing, an individual, including, but not limited to, the individual’s name, social security number, physical description, home address, biometric information, geolocation data, home telephone number, education, financial matters, and medical or employment history. It includes

statements made by, or attributed to, the individual and constitutionally protected activities or involvement engaged in by the individual.

- “Record” means any file or grouping of personal information about an individual that is maintained by an agency.

This bill includes related legislative findings and declarations.

COMMENTS

1. Need for This Bill

According to the author:

Fusion Centers have operated for many years with limited accountability and oversight. Originally established to support counterterrorism efforts following the September 11 terrorist attacks, these state-owned and operated data-sharing hubs have expanded in scope. In some instances, concerns have been raised about their use to target minority communities, track activists and protesters, and unlawfully support federal immigration enforcement activities. These Centers have little to no outside oversight, creating conditions where state laws may be inconsistently applied, information could be improperly obtained or shared, and resources may be used in coordination with federal and out-of-state entities. At the same time, questions have been raised about their effectiveness at preventing terrorist activity or reducing crime.

SB 1095 seeks to address these concerns by prohibiting California’s Fusion Centers from sharing sensitive personal information for the purposes of immigration enforcement and racial or identity profiling, and by requiring an annual audit of their activities. This approach aims to strengthen transparency and accountability, align operations with state law, and ensure Californians’ constitutional right to privacy is protected, while helping to maintain public safety.

2. Background on Fusion Centers

“Fusion centers” are multi-agency intelligence-sharing hubs established in the wake of the 9/11 terrorist attacks to address gaps in threat-related data gathering, sharing and analysis. The National Network of Fusion Centers is the central hub of this information flow between the federal government and their state, local, tribal and territorial (SLTT) and private sector partners.¹ Fusion centers are owned and operated by state and local entities, designated by the governor of their state, that receive extensive support from federal partners in the form of personnel, training, technical assistance and connectivity to federal systems.² According to the Department of Homeland Security (DHS):

Fusion centers provide the federal government with critical state and local information and subject-matter expertise that it did not receive in the past—

¹ “Fusion Centers.” *Department of Homeland Security*. <https://www.dhs.gov/fusion-centers>

² “Fusion Centers Handout.” *State and Major Urban Area Fusion Centers* (July 2012) DHS, https://www.dhs.gov/sites/default/files/publications/Fusion%20Centers%20Handout_0.pdf

enabling the effective communication of locally generated threat-related information to the federal government. Fusion centers receive information from a variety of sources, including suspicious activity reporting (SAR) information from stakeholders within their jurisdictions, as well as federal information and intelligence. They analyze the information and develop relevant products to disseminate to their customers. These products assist homeland security partners at all levels of government to identify and address immediate and emerging threats.³

Fusion centers are divided into two categories: “primary” fusion centers and “recognized” fusion centers. The former typically provide information sharing and analysis for an entire state, and receive the highest priority for the allocation of federal resources, while the latter typically provide the same service for a major urban area, and receive a lower priority for federal assistance.⁴ Currently, there are 6 fusion centers operating in California, including one primary fusion center, the State Threat Assessment Center (STAC), which “serves as California’s information sharing clearinghouse of strategic threat analysis and situational awareness reporting to statewide leadership and the public safety community in support of efforts to prevent, prepare for, mitigate and respond to all crimes and all hazards impacting California citizens and critical infrastructure, while preserving civil liberties, individual privacy, and constitutional rights.”⁵ In addition, California is home to 5 “recognized” fusion centers, including:

- Central California Intelligence Center (CCIC); Sacramento, CA
- Los Angeles Joint Regional Intelligence Center (JRIC); Los Angeles, CA
- Northern California Regional Intelligence Center (NCRIC); San Francisco, CA
- Orange County Intelligence Assessment Center (OCIAC); Orange County, CA
- San Diego Law Enforcement Coordination Center (SD-LECC); San Diego, CA.⁶

Under the 9/11 Commission Act of 2007, DHS is obligated to support privacy, civil rights, and civil liberties training of fusion center personnel, and indeed has dedicated personnel and resources to assist fusion center Civil Liberties and Privacy Officers (CLPOs) and those performing civil liberty and privacy functions at fusion centers.⁷ However, despite these commitments, fusion centers have been the subject of significant criticism dating back to the mid-2000s.⁸ More recently, the Brennan Center for Justice conducted an assessment of how fusion centers have strayed from their stated mission and in reality have contributed to systematic civil liberties violations due to a near-total absence of meaningful oversight. The Brennan Center found that for nearly two decades, DHS has supported a network of 80 fusion centers nationwide while failing to ensure that they use federal resources properly, resulting in flawed data analysis, leaked sensitive information, and the unlawful monitoring of constitutionally protected activities.⁹

³ *Ibid.*

⁴ “Fusion Center Locations and Contact Information.” <https://www.dhs.gov/fusion-center-locations-and-contact-information>

⁵ “State Threat Assessment Center.” <https://www.caloes.ca.gov/office-of-the-director/operations/homeland-security/state-threat-assessment-center/>

⁶ “What is a fusion center?” *Joint Regional Intelligence Center*.

<https://www.jric.org/default.aspx?menuitemid=265&menubid=95&menugroup=Public+Home&AspxAutoDetectCookieSupport=1>

⁷ Pub. L. 110-53, 511, subd. (a). <https://bja.ojp.gov/program/it/privacy-civil-liberties/authorities/statutes/1283#2-0>

⁸ “What’s Wrong with Fusion Centers?” *American Civil Liberties Union*. Published December 2007.

https://www.aclu.org/files/pdfs/privacy/fusioncenter_20071212.pdf

⁹ Mike German, Rachel Levinson-Waldman, & Kaylana Mueller-Hsia, *Ending Fusion Center Abuses* (December 15, 2022) Brennan Center, <https://www.brennancenter.org/our-work/policy-solutions/ending-fusion-center-abuses>.

This bill seeks to address these and other issues via the imposition of new guardrails on California fusion centers.

3. Effect of This Bill

Per the bill’s findings and declarations, “by making information about people in California available to out-of-state and federal entities or agencies, fusion centers operating in California grant other governmental entities additional surveillance powers and pose an active threat to the safety and rights of Californians. [...] The Legislature must protect the rights and safety of people in California and update the law to prevent the exploitation and weaponization of information collected in California.” Accordingly, this bill prohibits a fusion center operating in California from participating in, cooperating with, or disclosing or sharing information with any federal or out-of-state governmental entity or a contractor for such an entity, when such actions involve 1) assisting or further immigration enforcement, unless pursuant to a judicial warrant or court order or 2) any conduct that violates the existing prohibition against racial or identity profiling by law enforcement. Additionally, the bill prohibits a fusion center from allowing a federal or out-of-state governmental entity or contractor for such an entity to work inside the fusion center when Cal OES knows or has reason to know that the entity or contractor “intends to engage in unlawful intelligence-gathering activity resulting in the violation of the constitutional civil rights of a resident of California.” The bill also prohibits fusion centers from providing office space for agencies engaged in immigration enforcement and provides that state elected officials, local elected officials, and their staff may enter any fusion center for inspections without prior notice or authorization.

The provisions above raise several questions that the author and Committee may wish to consider. First, it is unclear whether a fusion center would be aware that certain participation in, cooperation with, or disclosure or sharing of information with a federal or out-of-state entity “involves assisting or furthering immigration enforcement.” Certainly, there would be instances in which cooperation or the sharing of information with such an entity is several steps attenuated from the ultimate immigration enforcement result. For instance, if a California fusion center provided information to an Idaho law enforcement agency that a specific vehicle associated with a crime in that state was spotted in California, and the driver of that vehicle is subsequently pulled over based on a stop that constitutes racial profiling under California law, how is the fusion center supposed to refrain from that information sharing at the outset? The same question regarding an attenuated result is raised by the provision prohibiting fusion centers from allowing federal or out-of-state governmental entities to work in the fusion center when Cal OES knows or should know that the entity is engaged or intends to engage in “intelligence gathering activity that results in the violation of the constitutional or civil rights” of a Californian. Finally, the provision permitting elected officials and their staff to inspect fusion centers “without prior notice or authorization” is arguably too broad – it is unclear what interest would be served by allowing a county assessor or an assistant to a member of the Board of Equalization unfettered access to a fusion center, yet these individuals would receive such access under the bill.

Another of the bill’s provisions requires Cal OES, beginning January 1, 2027, to annually submit a report to DOJ including 14 distinct categories of information concerning who is involved in fusion center processes, what information is being requested, collected and shared, why and how information requests happen, legal compliance, and oversight and accountability. Some of these categories appear overbroad, unclear, or simply impractical, such as:

- “A summary highlighting the principal reasons that a governmental entity or data broker is requesting information from the fusion center.” *Do governmental entities regularly provide the reasons for their information requests? What if these reasons are not provided?*
- “A catalog of the information requested by and provided to requesting governmental entities and data brokers and a list of the personal information that is reasonably believed to have been part of those requests.” *Is this too large of a data set to include in an annual report? Is the task of compiling all information responsive to this category too onerous a burden for Cal OES?*
- “Whether a reasonable suspicion standard was met before state law enforcement agencies collected, maintained, or disseminated personal information through fusion centers.” *How will Cal OES be able to identify information responsive to this category? Is such information flagged with or accompanied by some marker indicating that a specified legal standard was met?*
- “The number of actual or potential violations of state or local laws, policies, or department orders or procedures, the actions taken by the state law enforcement agency to address actual or potential violations, and recommendations to prevent future violations.” *Does Cal OES track and record all such violations? Should it? What constitutes a “potential violation”? Should Cal OES be responsible for providing recommendations to a specific department for violations of that department’s policies and procedures?*

4. Pending State Audit on Fusion Centers

Another component of this bill is a requirement that the DOJ conduct an annual audit based on the report submitted by Cal OES and submit that audit to the Legislature. However, on March 24 of this year, the Joint Legislative Audit Committee approved a formal audit of California fusion centers, requested by Senator Cervantes and to be conducted by the State Auditor. According to Senator Cervantes’ request letter:

I am profoundly alarmed by the threat that fusion centers pose to the constitutional rights and privacy of Californians, and the blatant lack of transparency and oversight that they currently operate under. Fusion center personnel have unrestricted access to extensive government and private-sector data systems and information-sharing platforms, yet their usage of these systems are largely exempt from public and legislative oversight. Entities within the Legislature have made repeated attempts to gather information about fusion centers through formal inquiries and public records requests, all to no avail. The largely unregulated operation of fusion centers in California raises significant constitutional and privacy concerns, especially at a time when emerging technologies, increasing government overreach, and the federal government’s descent into authoritarianism is converging to undermine the public safety, privacy, and constitutional rights of all Americans.

The audit, designated “2026-134 California Fusion Centers – State and Local Oversight,” will include an examination of the STAC and two selected local fusion centers, and will include, but not be limited to, the following activities:

- Identify the policies and procedures in place for overseeing fusion center activities and ensuring compliance with applicable laws, regulations, and policies.
- Determine whether the law authorizes STAC's and local fusion centers' information collection and sharing practices and whether such collection and sharing practices comply with applicable requirements. To the extent possible, evaluate data sharing practices specifically related to state and local agencies sharing information with the federal government, including for purposes of immigration enforcement, and whether those practices comply with all applicable laws, regulations, and policies.
- To the extent possible, determine whether STAC and local fusion centers establish and enforce data quality standards, and evaluate the processes the STAC and local fusion centers use to decide what information they share with partner agencies, including federal agencies, to determine whether those processes protect against the dissemination of incorrect or misleading information. Evaluate the mitigation processes used if it is determined that incorrect or misleading information has been disseminated.
- To the extent possible, assess how the STAC and local fusion centers ensure that they adequately protect against the unauthorized disclosure of information.
- To the extent possible, determine STAC and local fusion centers utilization of proprietary data systems, analytical tools, and data sets owned or controlled by non-governmental and/or private entities or contractors. Determine whether a selection of these private contractors were chosen based on applicable law, and how their suitability for access to sensitive law enforcement information is determined.
- Determine the percentage of funding that federal, state, local, and private sources provide to support the STAC and local fusion centers. Determine the value of in-kind contributions, such as personnel or equipment, on which the STAC and fusion centers may rely, and identify any policies related to conflicts of interest related to procurement practices.
- To the extent possible, determine whether STAC and the local fusion centers have defined missions and have established metrics that they use to assess their performance. If so, assess the validity of these metrics. Review the performance of the STAC and local fusion centers against these or other applicable measures of performance to determine whether they are effective in their mission and purpose. Identify performance trends based on any internal evaluation reports over the past 10 years.¹⁰

Given the scope of this formal audit by the State Auditor, the audit required by this bill is likely redundant.

5. Related Legislation

SB 1181 (Hurtado), introduced this year, requires Cal OES, in consultation with the State Department of Education, to establish the Central Valley School Safety Coordination Pilot Program for the purpose of studying and evaluating improved communication pathways between local educational agencies, as defined, and regional fusion centers regarding credible safety

¹⁰ "2026-134 California Fusion Centers—State and Local Oversight: Audit Scope & Objectives."
<https://www.auditor.ca.gov/reports-coming-soon/2026-134/>

threats affecting school communities. SB 1181 is currently in the Senate Education Committee. On April 14, it passed out of the Senate Emergency Management Committee by a vote of 9-0.

6. Committee Amendments

Given the issues discussed in comments 3 and 4 of this analysis, the author and Committee may wish to consider amendments striking subdivisions (b) through (e) of Section 2 of the bill and instead imposing a requirement that a state or local law enforcement agency, prior to participating in fusion center activities or data sharing, enter into a memorandum of understanding (MOU) with the fusion center, adopted by the law enforcement agency's governing body (such as a board of supervisors or city council). The author and Committee should also consider striking the audit requirement, or at least delaying any statutorily required audit for several years until such a review becomes timely. If the author and Committee wish to retain some provision regarding the inspection of fusion centers by elected officials, such a provision could be limited to state elected officials, or local elected officials approved by their governing bodies to conduct such an inspection.

7. Argument in Support

According to the Ella Baker Center for Human Rights:

Data deportation centers, or “Fusion Centers,” are state-owned and operated data-sharing hubs that collect, analyze, and distribute massive amounts of highly personal information about ordinary people, without meaningful oversight or accountability. They access data from automated license plate readers, facial recognition technology, DMV and driver’s license records, utility records, and even social media activity. This information reveals who we are, where we go, what we do, and who we know. California law enforcement has already helped funnel personal data to out-of-state and federal agencies, including Immigration and Customs Enforcement (ICE) and Border Patrol, enabling unlawful federal immigration enforcement.

These practices threaten constitutional rights, privacy, and public trust by providing a backdoor to evade California’s limits on mass surveillance and local participation in deportations. Fusion Centers have a documented history of surveillance abuses, including targeting Muslim and Black, Indigenous, and People of Color communities, tracking protestors, and casting peaceful activities as potential threats.³ Additionally, California’s Fusion Centers have spied on people engaged in First-Amendment protected activities. The Northern California Fusion Center issued multiple warnings to 14,000 police officers stating local Black Lives Matter rallies were “dangerous.”

SB 1095 offers a clear and practical solution: prohibiting state Fusion Centers from participating in, cooperating with, disclosing, or sharing information for federal

immigration enforcement and racial or identity profiling unless required by a valid judicial warrant. The bill bans office space for immigration enforcement agencies in Fusion Centers, bars out-of-state, federal, or private entities from operating inside Fusion Centers if they are engaged in unlawful activities that violate constitutional rights, authorizes state and local elected officials to enter and inspect

Fusion Centers, and requires an annual audit to ensure transparency, accountability, and compliance with state law.

8. Argument in Opposition

According to the California Police Chiefs Association:

While we recognize and appreciate the concerns raised regarding privacy, civil rights, and oversight of fusion centers, SB 1095, as currently drafted, would significantly impair or effectively shut down the operation of these centers, undermining a critical component of California’s public safety and homeland security infrastructure. Fusion centers play a vital role in protecting California communities. These centers are designed to gather, analyze, and share threat-related information across federal, state, and local agencies, with a particular focus on identifying and preventing terrorism and other serious threats. They serve as a central hub for intelligence sharing and situational awareness, enabling law enforcement to connect disparate pieces of information and respond proactively to emerging risks. [...] At the same time, we acknowledge that concerns have been raised about fusion center operations. [...]

However, SB 1095 goes far beyond addressing these concerns. Instead, it imposes sweeping and rigid restrictions that would fundamentally undermine the core function of fusion centers. Most notably, the bill broadly prohibits fusion centers from “participating,” “cooperating,” or “sharing information” where such activity could be construed as “assisting” immigration enforcement. This language raises significant legal and operational concerns because the term “assist” is not narrowly defined and has been interpreted broadly by courts. In *City of Chicago v. Sessions*, 888 F.3d 272 (7th Cir. 2018), the court treated assistance as including the sharing of information and coordination with federal authorities. Similarly, in *Malley v. Briggs*, 475 U.S. 335 (1986), the U.S. Supreme Court recognized that providing information that materially contributes to another agency’s actions constitutes participation—in other words, assistance.

Taken together, these decisions make clear that “assist” is not limited to direct immigration enforcement actions. It includes coordination, data sharing, grant-funded collaboration, reimbursement arrangements, and joint task force participation. Under SB 1095, these routine and lawful forms of interagency cooperation could trigger violations, even where the underlying activity is focused on serious criminal threats or public safety concerns unrelated to immigration enforcement. It is important to also note, that because all federal law enforcement agencies constantly share information, this would impact operations with any federal agency.

This creates a profound chilling effect. Fusion centers exist specifically to facilitate multi-agency information sharing. If personnel must second-guess whether sharing information could later be deemed “assisting” immigration enforcement, the result will be reduced communication, disengagement from federal partners, and a breakdown in the very collaboration these centers were designed to support. In addition, SB 1095 imposes expansive transparency and reporting requirements that would be extremely difficult to implement in practice.

The bill requires detailed reporting on virtually all aspects of fusion center operations, including requests for information, participating entities, and data-sharing practices. While transparency is important, these requirements risk exposing sensitive law enforcement methodologies, overburdening already limited resources, and diverting personnel away from core public safety functions.

-- END --