

LA MESA POLICE DEPARTMENT INSTRUCTION

PATROL: Undocumented Persons

Adopted: April 3, 2017 Amended: February 7, 2018

No: 630

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Walt Vasquez, Chief of Police

I. PURPOSE

The purpose of this instruction is to provide police officers specific guidelines on their duties and responsibilities associated with immigration law, enforcement, arrests, and detentions.

II. BACKGROUND

The La Mesa Police Department recognizes and values the diversity of the community it serves. The purpose of this instruction is to ensure the safety and well-being of all persons, regardless of their immigration status. Primary responsibility for the enforcement of Federal immigration laws rests with the United States Immigration and Customs Enforcement Agency (ICE) and the U.S. Customs and Border Protection Service, which fall under the jurisdiction of the Department of Homeland Security (DHS/Border Patrol).

On January 1, 2018, the California Values Act, Senate Bill 54 went into effect and amended California Government Code Sections 7282 through 7282.5 and added sections 7284 through 7284.12. Senate Bill 54 also repealed Health and Safety Code Section 11369, which required law enforcement to notify federal immigration authorities when a person was arrested for certain violations of the uniform controlled substances act and was believed to not be a U.S. citizen.

III. POLICY

La Mesa Police Department police officers are responsible for the enforcement of all state and local laws, and for the safety and protection of all persons. Therefore, officers have a duty to contact any person(s) when there is a "reasonable suspicion" to believe they are involved in criminal activity. If, upon investigation, probable cause to arrest exists, unrelated to the person's immigration status, officers may arrest for the offense. A person shall not be contacted, detained, or arrested by a La Mesa Police Department police officer based on their immigration status.

IV. PROHIBITED ACTIVITY

- A. Inquiring into a person's immigration status.
- B. Using immigration enforcement as a basis to initiate contact, detain or arrest any individual.

- C. Detain an individual on the basis of a hold request from an immigration agency.
- D. Collect any information about a person's immigration status.
- E. Provide information to immigration authorities regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5 which includes serious and violent felonies among other crimes.
- F. Provide personal information to immigration officials, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to the individual's home address, work address, and other identifying information unless that information is available to the public.
- G. Making or intentionally participating in arrests based on civil immigration warrants.
- H. Assisting immigration authorities with the enforcement of immigration law.
- I. Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.
- J. Use any Immigration Authority agents, including CBP or ICE, as interpreters.
- K. Engage in any actions, including but not limited to a joint task force or operation, with federal immigration authorities intended to locate, arrest, or detain individuals for immigration enforcement purposes.
- L. Provide office space exclusively dedicated for immigration authorities for use within a law enforcement facility.

V. POLICY VIOLATIONS

Intentional or non-intentional violations of this policy shall be reported to the Office of the Chief of Police for investigation.

VI. JOINT LAW ENFORCEMENT TASK FORCES

Per California Government Code Section 7284.6, a California municipal law enforcement agency may participate in a joint law enforcement task force that includes federal officers as long as the task force does not conduct immigration enforcement as described in California Government Code Section 7284.4.

If the La Mesa Police Department elects to participate in a joint law enforcement task force with federal officers, the Chief of Police shall ensure that at least one of the California law enforcement agencies in the task force completes an annual report that is submitted to the California Attorney General's Office as outlined in California Government Code Section 7284.6.

VII. REQUEST FOR EMERGENCY ASSISTANCE

Officers will provide emergency assistance to all law enforcement agencies including the United States Immigration and Customs Enforcement Agency (ICE) and the U.S. Customs and Border Protection Service when requested to do so or when a federal agent is actively being attacked, assaulted or threatened in the presence of a La Mesa Police Officer, and the LMPD officer is capable of defending the agent. This assistance is to preserve life and to assist law enforcement officers in a dangerous situation. As soon as the situation is stabilized and there is no additional need for emergency police services, La Mesa Police officers shall clear the scene. Emergency assistance does not include assisting in the detention, arrest, investigation, interrogation or detection of a suspected undocumented person subject to deportation, unless it involves the investigation of a California crime statute, such as 69 PC and not related to the person's immigration status.