

<p>[NAME] DEPARTMENT GENERAL ORDER</p>	NUMBER:
	RELATED ORDERS:
	ISSUE DATE:
	REVISION DATE:
CHAPTER:	SUBJECT: ICE and CBP Policy

1. **PURPOSE:** The purpose of this order is to provide deputies with guidelines on their duties and responsibilities associated with immigration law, enforcement, arrests, and detentions.
2. **POLICY:** The [NAME] Department will equally enforce laws and serve the public without consideration of immigration status. Except as specifically outlined in this General Order, the immigration status of a person, or the lack of immigration documentation, shall have no bearing on the manner in which staff execute their duties.

Under no circumstances shall a person be contacted, detained, or arrested by agency members based on his or her immigration status, whether known or unknown.

3. **DEFINITIONS:**
 - A. **IMMIGRATION AND CUSTOMS ENFORCEMENT:** The U.S. Department of Homeland Security’s Immigration and Customs Enforcement Agency (ICE) has primary responsibility to investigate and enforce federal immigration laws.
 - B. **CUSTOMS AND BORDER PROTECTION:** The U.S. Department of Homeland Security’s Customs and Border Protection Agency (CBP) is charged with all border-related security, regulatory and administrative missions.
 - C. **FEDERAL IMMIGRATION AUTHORITY:** Any officer, employee, or person otherwise paid by or acting as an agent of United States Immigration and Customs Enforcement or United States Customs and Border Protection, or any division thereof, or any other officer, employee, or person otherwise paid by or acting as an agent of the United States Department of Homeland Security who is charged with immigration enforcement.
 - D. **JUDICIAL WARRANT:** A criminal warrant based on probable cause and signed by a federal judge or a federal magistrate judge.
 - E. **IMMIGRATION HOLD REQUESTS:** Immigration hold requests (also known as ICE holds or detainers) are requests from a federal immigration authority to a local law enforcement agency to maintain custody of an individual currently in its custody beyond the time he or she would

otherwise be eligible for release in order to facilitate transfer to a federal immigration authority and includes, but is not limited to, Department of Homeland Security (DHS) Forms I-247A, I-247X, I-247N, and I-247D.

- F. **IMMIGRATION NOTIFICATION REQUESTS:** Requests from a federal immigration authority to local law enforcement for notification of the release date and time of an individual in its custody and includes, but is not limited to, DHS Forms I-247A and I-247N.
- G. **IMMIGRATION TRANSFER REQUESTS:** Requests from a federal immigration authority to local law enforcement asking to facilitate the transfer of an individual in its custody to federal immigration authorities, and includes, but is not limited to, DHS Forms I-247A and I-247X.

4. **ORDER:**

A. **IMMIGRATION ENFORCEMENT:**

1. Immigration enforcement is not a basis to initiate contact, detain, or arrest any individual.
2. Members of the public shall not be asked about their immigration status or that of another member of the public.
3. The [NAME] Department shall not collect any information about a person's immigration status.
4. The [NAME] Department shall not provide any support to, or use any resources for, federal immigration authorities to facilitate the location and/or detention of individuals for immigration enforcement purposes.
5. The [NAME] Department shall not 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.
6. The [NAME] Department shall not use any Immigration Authority agents, including CBP or ICE, as interpreters.
7. If a member of the Department suspects or knows that immigration enforcement arrests occurred in a joint task force or operation, that member shall promptly refer the matter to [COMMAND STAFF] to conduct an investigation. The investigation will result in a report to the [CHIEF/SHERIFF] detailing the following information to be submitted to the California Attorney General's Office:
 - a. The purpose of the task force.
 - b. The federal, state, and local law enforcement agencies involved.
 - c. The total number of arrests made during the reporting period.
 - d. The number of people arrested for immigration enforcement purposes.

B. **ACCEPTABLE FORMS OF IDENTIFICATION:**

1. Individuals should not be detained solely for the purpose of establishing his or her identity.

2. If establishing identification is needed for criminal enforcement purposes, unrelated to immigration enforcement, acceptable forms of identification include, but are not limited to, student IDs, identification cards or driver's licenses from any U.S. state or foreign country, municipal IDs issued by a U.S. jurisdiction, foreign passports, and consular ID cards.
3. Individuals may not be compelled to establish identity, and failure to identify oneself alone does not constitute a violation of California Penal Code §148(a)(1), for resisting, delaying, or obstructing a peace officer.

C. IMMIGRATION HOLD, TRANSFER, AND NOTIFICATION REQUESTS:

1. The [NAME] Department shall not respond to immigration hold, transfer or notification requests, including, but not limited to Department of Homeland Security Forms I-247A, I-247D, I-247X, and I-247N.

D. CIVIL IMMIGRATION WARRANTS:

1. The [NAME] Department shall not respond to any civil immigration warrants or ICE custody documents (I-200, I-203, I-205, and any listed in the National Crime Information Center Database (NCIC)) because these documents are not signed by a judge and are not based on a finding of probable cause for an alleged criminal law violation.

E. ICE REQUESTS TO ACCESS [NAME] COUNTY'S INMATES, RECORDS & FACILITIES

1. Federal immigration authority shall not be given access to County facilities, computers, equipment, records/databases, or individuals in County custody.
2. The [NAME] Department shall not respond to federal immigration authority inquiries or communicate with federal immigration authority regarding any individual's hearing date, incarceration status, release date and time, home address, work address, or other personal information, as defined by California Civil Code § 1798.3.

F. EQUAL TREATMENT

1. Citizenship, immigration status, national origin, race, ethnicity, religion or the existence of an immigration hold, transfer or notification request shall have no bearing on an individual's treatment in the jail (including but not limited to classification status, eligibility for work programs, his or her eligibility for alternative to incarceration programs), his/her right to release on bail, or on decisions to initiate stops or make arrests.

G. DATA COLLECTION

1. If any suspected violations of this policy occurs, a report shall be promptly submitted to [INTERNAL AFFAIRS/AGENCY] and the [COMMAND STAFF] detailing the personnel who are alleged to have been involved in the violation, the date of the alleged violation, and a detailed description of the alleged violation.

H. U VISA CERTIFICATION

1. The Victims of Trafficking and Violence Prevention Act (VTVPA) created the U Visa, a nonimmigrant visa for victims of certain crimes who have been, or are likely to be, helpful to law enforcement in the investigation or prosecution of a crime. The purpose of this is two-fold. First, it enhances law enforcement's ability to investigate and prosecute crimes. Second, it furthers humanitarian interests by protecting victims of crimes. A similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking.
2. Any request for assistance in applying for a U visa or T visa should be forwarded in a timely manner to [DESIGNATED STAFF] for review and endorsement. Under California state law (SB 674), when completing a U visa certification (Form I-918 Supplement B), there is a rebuttable presumption of helpfulness so long as the victim has not refused or failed to provide information and assistance reasonably requested. This certification provides the applicant the ability to apply for a U Visa, but does not guarantee that the U Visa will be granted.
3. Victims can request and obtain certification even if no charges were filed, no conviction resulted, the investigation is complete, or an investigation has not yet been opened. The Department will not request additional information from the victim as the information provided by the victim in the certification form and law enforcement files are sufficient for completing the certification form.
4. There is no statute of limitations for U visa and T visa certification requests and victims can re-submit requests if the deficiencies related to the original request are addressed or the denial occurred prior to current policy for U visa and T visa certifications.
5. The [NAME] Department or their designee shall approve or deny the request and complete the certification or declaration, if appropriate, within 90 days of the certification request, unless the individual is in removal proceedings, in which case the certification shall be processed within 14 days of the request. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website and under Penal Code § 679.10.