

Chapter	10
Section	10.32
Title	California Values Act
Subject	Immigration Enforcement
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Revised By	Sergeant Maurice Duran
Authorized By	Chief Douglas P. Millmore

I. PURPOSE

U.S. Immigration and Customs Enforcement (ICE) is a federal agency whose primary responsibility is to enforce federal laws governing border control, customs, trade and immigration to promote homeland security and public safety. It is their responsibility to enforce the nation's immigration laws by identifying and apprehending removable aliens, detaining individuals when necessary, and removing undocumented persons from the United States. The purpose of this policy is to identify the role of the Upland Police Department in immigration enforcement as prescribed by SB 54, the California Values Act.

II. POLICY

It is the Upland Police Department's policy that all personnel make professional commitments to equal enforcement of the law and service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

III. DEPARTMENT RESPONSIBILITY

Pursuant to the California Values Act, the following policies regarding immigration enforcement apply:

- The primary jurisdiction for enforcing federal immigration laws concerning unlawful entry into the United States remains with ICE and not with the Upland Police Department or other local or municipal law enforcement agencies.

- The Upland Police Department is prohibited from enforcing federal immigration laws and participating in immigration enforcement programs, except as described in California Government Code 7282.
- Officers shall not contact, detain, question, or arrest any persons based solely on the basis of being or suspected of being an undocumented immigrant, except as required by state law.
- Officers shall not ask any person their immigration status for the purpose of immigration enforcement.
- Officers shall not book a person on an ICE immigration hold, unless there is a signed immigration warrant in accordance with California Government Code 7282.5.
- The Upland Police Department will not provide ICE with confidential information, unless the information is available to the public.
- Department personnel shall not use ICE personnel as interpreters for department-related duties.
- The department is prohibited from providing ICE personnel with a dedicated workspace and unlimited access to the jail facilities.

IV. ARRESTS, IDENTIFICATION, AND NOTIFICATIONS

Whenever a person is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating officer should take the necessary steps to identify the person. If an officer believes that an individual taken into custody for a felony is an undocumented person, the arrestee should be booked into County Jail without consideration for immigration status.

If an officer believes that an individual taken into custody for a misdemeanor is an undocumented person, and that person would have otherwise been released on a written promise to appear, the person should be given a reasonable opportunity to verify his or her true identity. Once the person's identity is reasonably established, the original citation release should be completed without consideration of immigration status.

If an officer discovers an Immigration and Customs Enforcement detainer during any contact, the officer will assess the individual based on the criteria stated in the CA Government Code 7282.5(a). If the criteria set forth in the CA Government Code 7282.5(a) is NOT met, the officer will release the individual from custody unless the continued detention or arrest is based on a separate violation of law. If the criteria set forth in the

CA Government Code is met, the Officer has discretion to honor the ICE hold only if the detained subject meets the criteria stated in Government Code 7282.5(a).

If an officer arrests an individual who is unable to reasonably establish his or her true identity, the individual may be booked in accordance with Vehicle Code 40302a and Penal Code 853.6. If a person is detained pursuant to the authority of Vehicle Code 40302a, for an infraction, that person may be detained for a reasonable period for the purpose of establishing his or her true identity. Once that person's identity has been established, he or she shall be released on his or her signature with a written promise to appear in court for the Vehicle Code infraction involved, regardless of his or her immigration status.

V. VICTIMS AND WITNESSES

In an effort to encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or California Constitutions.