

Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the San Mateo County Sheriff's Office relating to immigration and interacting with federal immigration officials.

413.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including 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.

Judicial warrant - A warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

413.2 POLICY

It is the policy of the San Mateo County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

Primary jurisdiction for enforcement of federal immigration laws concerning unlawful entry into the United States rests with U.S. Immigration and Customs Enforcement (ICE). The San Mateo County Sheriff's Office will comply only with judicial warrants.

413.2.1 CORRECTIONS DIVISION POLICY

See Corrections Procedure Manual for information regarding Corrections.

413.3 VICTIMS AND WITNESSES

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 not in any way that would violate the United States or California constitutions.

413.4 IMMIGRATION INQUIRIES PROHIBITED

Members shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

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413.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for when a judicial warrant is issued.

413.5 DETENTIONS AND ARRESTS

Members shall not contact, detain, question, or arrest any individual solely for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6) except as required by law.

413.6 INFORMATION SHARING

No member will use agency or department moneys, resources, or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes including any of the following (8 USC § 1373; Government Code § 7284.6):

- (a) Inquiring into an individual's immigration status.
- (b) Detaining an individual on the basis of a hold request.
- (c) Providing information regarding a person's release date, unless that information is available to the public.
- (d) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address, unless that information is available to the public.
- (e) Making or intentionally participating in arrests based on civil immigration warrants.
- (f) Assisting immigration authorities in activities described in Section 1357(a)(3) of Title 8 of the United States Code.
- (g) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code [performance of immigration officer functions by state officers and employees] or any other law, regulation, or policy, whether formal or informal.
- (h) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement.
- (i) Use immigration authorities as interpreters for law enforcement matters relating to individuals being detained or in department or agency custody.
- (j) Transfer an individual to immigration authorities unless authorized by a judicial warrant.
- (k) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

413.7 REVISIONS

- Adopted January 1, 2017

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- Revised January 1, 2020, July 9, 2020
- Revised November 19, 2021
- Revised December 13, 2021