

## Immigration Violations

### **428.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to members of the Palo Alto Police Department for investigating and enforcing immigration laws.

### **428.2 POLICY**

It is the policy of the Palo Alto Police Department 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 department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

### **428.3 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 lead to an immigration inquiry by the Palo Alto Police Department. 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.

### **428.4 ENFORCEMENT**

The Palo Alto Police Department will not participate in any type of immigration status checks, sweeps or operations either independently or with other law enforcement agencies at the local, state, or federal levels. In extremely rare circumstances, it may be necessary to coordinate with or gather intelligence from immigration agencies in order to apprehend a violent offender in an effort to preserve public safety. This coordination would only occur for the purpose of furthering the underlying criminal investigation.

Any employee learning of any enforcement action involving immigration agencies occurring in the city of Palo Alto shall immediately report it via the chain of command to the Chief of Police, or in his absence, his designee. The Chief of Police will brief the City Manager, or his designee, as soon as possible.

### **428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

It is not necessary to notify ICE when booking arrestees at the county jail. Notification should be handled by the County according to jail operation procedures.

### **428.6 ICE REQUESTS FOR ASSISTANCE WITH IMMIGRATION ENFORCEMENT**

Requests for this department's assistance from ICE or any other agency in relation to immigration enforcement operations should be immediately directed to the on-duty Watch Commander, who in turn shall immediately report via the chain of command to the Chief of Police, or in his absence,

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his designee. The Chief of Police shall brief the City Manager, or his designee, as soon as possible. The Palo Alto Police Department will not participate in the investigation or enforcement of immigration law.

If an immigration agency operating in the City of Palo Alto, calls for immediate officer safety assistance in a life-threatening situation, the on-duty Watch Commander will coordinate the appropriate number of resources to respond in order to keep the peace and preserve lives. Additionally, if a criminal investigation results from that agency's actions (such as the discharge of a firearm), the Palo Alto Police Department will have primary investigative responsibility, per the Santa Clara County Officer-Involved Incident Investigation Protocol, pertaining to the criminal investigation, until relieved by a higher authority.

### **428.7 IMMIGRATION WARRANTS**

During the course of any routine investigation, if an officer learns that an individual has an outstanding criminal felony immigration warrant, personnel may take that individual into custody pursuant to the warrant and book them into jail. Personnel shall not detain or arrest an individual for an outstanding civil immigration hold.

### **428.8 TIME FRAMES FOR COMPLETION OF REQUIRED FORMS**

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the appropriate documents needed for a T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the appropriate documents needed for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 90 days of a request from the victim or victim's family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

### **428.9 REPORTING TO LEGISLATURE**

The Investigative Services supervisor or the authorized designee should ensure that U Visa and T Visa certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code §9795 (Penal Code § 679.10; Penal Code § 679.11).

### **428.10 POLICY ISSUE DATE**

Updated: 12-8-16

Updated: 3-2-17