

MOTION

APR 11 2008

Since its issuance by then-Chief Daryl Gates in 1979, Special Order 40 has defined the procedures followed by Los Angeles Police Department (LAPD) officers with regard to issues of immigration status. The underlying policy direction of Special Order 40 has been that a person's immigration status alone does not merit any police action. This policy has advanced the interests of public safety by allowing LAPD officers to provide law enforcement services equally to all residents of the City, including those whose immigration status may render them particularly vulnerable to victimization.

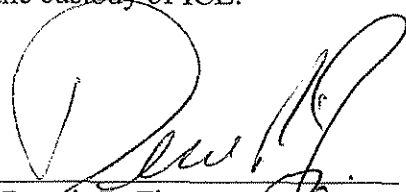
In view of recent public outcry over the fact that a known gang member of undocumented immigration status was improperly released from county jail and not surrendered to Immigration and Customs Enforcement (ICE) authorities, Special Order 40 has come under renewed scrutiny and criticism. While the overall policy goal of providing equitable public safety services to the people of Los Angeles must rightly be preserved, Special Order 40 should also be modified to address the specific situations of known gang members who are also undocumented immigrants.

The LAPD, with the authorization of the Board of Police Commissioners, has allowed gang suppression units to keep files on known gang members and share those files with other law enforcement and anti-gang agencies. LAPD officers should be instructed to access that information to determine whether suspects they encounter in the course of gang investigations are in fact known gang members. Further, officers should be authorized to question suspects who are known gang members regarding their immigration status.

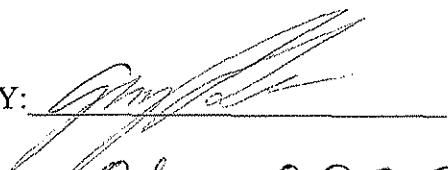
I THEREFORE MOVE that the City Council request the Chief of Police and the Board of Police Commissioners to modify Special Order 40 to state that when, in the course of gang suppression investigations, LAPD officers are able to verify that a suspect is a known gang member, those officers be instructed to obtain information on the suspect's immigration status and transmit that information to ICE.

I FURTHER MOVE that this modification to Special Order 40 also include a provision stating that if a known gang member is arrested by LAPD, and that person is also found to be an undocumented immigrant, that an immigration hold be placed on the arrestee by LAPD until such time as the arrestee may be released to the custody of ICE.

PRESENTED BY:


Dennis P. Zine
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SECONDED BY:


08-0902

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