

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: February 13, 2025

TO: Honorable Members of the City Council

FROM: Sharon M. Tso *SM TSO* Council File No. 23-0243  
Chief Legislative Analyst Assignment No. 23-06-0305

SUBJECT: Prohibition of the Use of City Resources for Immigration Enforcement

## SUMMARY

On November 19, 2024, the Council approved a Motion (Hernandez - Raman, Soto-Martinez, McOsker) that directs the Chief Legislative Analyst (CLA), with the assistance of any other City departments, as needed, to report with recommendations for reviewing compliance with Los Angeles Administrative Code (LAAC) Chapter 19 - Prohibition of the Use of City Resources for Federal Immigration Enforcement (Council File 23-0243). The motion requested the following:

- A means of ensuring all City departments, including proprietary departments and the Los Angeles Police Department (LAPD), are compelled to adopt this same ordinance or a similar ordinance containing all the same provisions.
- A means of ensuring that all City departments, including the proprietary departments and LAPD, are held to a uniform set of compliance standards, such as educating and training staff about the ordinance, identifying violations, and addressing incidents of violations of the ordinance. The recommendations should include any resources and/or staffing needed to effectuate these responsibilities.

Pursuant to Council action, our Office met with the City Administrative Officer (CAO), Personnel Department, City Attorney, Mayor's Office, and Community Investment for Families Department (CIFD) to establish a consistent approach for compliance and educating staff concerning the recently adopted ordinance. Executive Directive 20 - *Standing with Immigrants: A City of Safety, Refuge, and Opportunity for All* was issued on March 21, 2017 and established certain operational practices among City departments. In addition, there are important records in the Council File concerning policies relating to the City's undocumented immigrant population, including City Attorney guidance for general managers to assist in responding to requests by U.S. Immigration and Customs Enforcement (ICE) for access to City facilities and/or information for immigration enforcement purposes (Council File 16-1320).

Although LAAC Chapter 19 is similar in content to Executive Directive 20, City staff should once again be informed and educated on how to respond to potential requests for access to City facilities or information for immigration enforcement purposes. In addition, due to staff turnover and changes in administration, general managers of City departments will need to assign staff as Immigrant Affairs Liaisons to support coordination. To ensure that City policies are consistent with current law, our Office recommends that the City Attorney, as well as the LAPD, Fire, Harbor, Water and Power, and Airport Departments, in coordination with the City Attorney, review and update, if necessary, their existing guidelines and policies relative to immigration enforcement and the protection of City data. Our Office also recommends the creation of an Immigration Incident Assessment Team composed of the Personnel Department, CAO, City Attorney, CIFD, and CLA to coordinate with departmental liaisons and the Mayor's Office of Immigrant Affairs; assemble and review incident reports; and develop educational materials. Finally, this report recommends that the Council instruct the Personnel Department to initiate an on-line training program to increase exposure and educate staff concerning LAAC Chapter 19.

## **RECOMMENDATIONS**

1. Request the City Attorney to review and update, if necessary, the "Guidelines on Immigration and Customs Enforcement Access to City Facilities and Information," dated May 18, 2017 (Council File 16-1320; Report No. R17-0167) to ensure all sections are consistent with current federal, state, and local law.
2. Request the City Attorney, in coordination with the Los Angeles Police Department, Fire Department, Harbor Department, Airport Department, and Department of Water and Power, to review and update, if necessary, existing policies concerning immigration enforcement to ensure all sections are consistent with current federal, state, and local law.
3. Instruct the City Administrative Officer (CAO), with the assistance of the City Attorney, Personnel Department and Chief Legislative Analyst (CLA), to issue an employee bulletin to all General Managers, including proprietary departments, relative to the adoption of Los Angeles Administrative Code (LAAC), Chapter 19 and to designate an Immigrant Affairs Liaison to assist with educating and training staff, as well as the submission of incident reports.
4. Instruct the Personnel Department, in coordination with the CAO, Community Investment for Families Department (CIFD), City Attorney and CLA, to establish an Immigration Incident Assessment Team, to coordinate with departmental Immigrant Affairs Liaisons and the Mayor's Office of Immigrant Affairs; assemble and review incident reports; and develop educational materials.

5. Instruct the Personnel Department, in coordination with the CAO, CIFD, City Attorney, and CLA, to initiate an on-line training program for City employees concerning LAAC Chapter 19, with the CAO to identify and transfer funds for this purpose in a future Financial Status Report.

## **BACKGROUND**

On March 21, 2017 Mayor Garcetti issued Executive Directive 20 - *Standing with Immigrants: A City of Safety, Refuge, and Opportunity for All*. The directive mandated the following regarding the application of City resources and personnel for federal civil immigration enforcement, among other matters:

- No City employee shall collect information from individuals that is not necessary to perform the employee's duties. In particular, no City employee shall collect information regarding a person's citizenship or immigration status unless legally required to do so or mandated by policy to protect victims and witnesses of crimes;
- No person acting in his or her capacity as a City employee shall assist or cooperate with, or allow any City monies or resources to be used to assist or cooperate with, any federal agent or agency in any action where the primary purpose is federal civil immigration enforcement;
- No City employee shall grant any federal immigration agent access to any City facility not open to the general public unless such access is legally required;
- The Chief of Police shall reaffirm and maintain existing Police Department policies and procedures, including Special Order 40, the ICE detainer policy, and the policy against partnering with ICE to perform civil immigration enforcement; and
- The Fire Chief, Chief of Airport Police, and the Chief of the Port Police shall issue policies and procedures consistent with LAPD's existing policies and procedures with respect to immigration enforcement (Attachment A).

The directive also requires all City departments to identify an Immigrant Affairs Liaison and report to the Mayor's Office regarding any efforts by federal immigration officials to enforce civil immigration laws with the cooperation, support, or use of City resources and facilities. The Mayor's Office reports that they have not received any such reports from departments.

To assist City departments, the City Attorney's Office issued a memorandum entitled *Guidelines on ICE Access to City Facilities and Information* on May 18, 2017 (Attachment B). The document covers the following matters: a) ICE seeking access to City facilities not open to the general public; b) ICE enforcement activities in City facilities open to the general public; c) ICE requests for City records regarding citizenship and immigration status; and d) ICE requests for City records not regarding citizenship or immigration status.

## **DISCUSSION**

Our Office met with the CAO, Personnel Department, City Attorney, Mayor's Office, and CIFD to establish a consistent approach for compliance and educating City staff regarding LAAC Chapter 19. City department operations vary in scope and mission. Creating an Immigration Incident Assessment Team composed of staff from the departments and offices listed above will help with coordinating information and responding to inquiries, particularly from department Immigrant Affairs Liaisons. Our Office consulted with the Mayor's Office of Immigrant Affairs to seek their participation on the team to also help with policy implementation. The group will function similar to a previous effort led by the Emergency Management Department during the COVID-19 period when health department protocols were often modified to address changing circumstances.

### Proprietary Department Compliance

The Council instructed our Office to report with a means of ensuring all City departments, including proprietary departments and the LAPD, are compelled to adopt LAAC Chapter 19 or a similar ordinance containing all the same provisions. Prior to the adoption of the ordinance, the City Attorney issued a confidential report to Council entitled *Operational Control of the Proprietary and Police Departments* (Council File: 23-0243; R23-0253). Consistent with the information presented in the report, LAAC Section 19.194 - Adoption of Policy states:

To the extent that some departments are, by terms of the charter, exempt from the prohibitions in this chapter, they are strongly encouraged to adopt policies consonant with the provisions contained herein.

The Board of Commissioners for the proprietary departments and LAPD are appointed by the Mayor, and confirmed by the Council. If this report is approved, it is the intent of the Immigration Incident Assessment Team to work with the Mayor's Office of Immigrant Affairs to notify the proprietary departments and their respective commissioners of the recent adoption of the ordinance and offer guidance needed for implementation.

### Education and Compliance

The Council instructed our Office to report with a means of ensuring that all City departments, including the proprietary departments and LAPD, are held to a uniform set of compliance standards, such as educating and training staff about the ordinance, identifying violations, and addressing incidents of violations of the ordinance. The Council also instructed our Office to include any resources and/or staffing needed to effectuate these responsibilities.

As noted above, City departments have a wide range of missions and varying degrees of interaction with the public. The assessment team will work closely with the City Attorney's Office, Mayor's Office of Immigrant Affairs, and City departments to institute consistent

practices, to the extent possible. The assessment team will monitor policy implementation and report to Council as the work proceeds. In addition, Executive Directive 20 and the City Attorney's guidance document describes a practice of reporting incidents when responding to ICE requests or while observing enforcement activity at City facilities. The assessment team will assist in compiling and reviewing potential incident reports from City departments to inform response activities.

In terms of compliance, ordinance violations may be addressed through the Personnel Department's policies, including Section 33.2 - Guide to Disciplinary Standards. However, the immediate goal is to offer guidance, training, and education so that City staff are knowledgeable of LAAC Chapter 19. To this end, our Office recommends that the Personnel Department initiate an on-line training program for City employees, which will cost approximately \$30,000 in contractual services for this module. This report recommends that the CAO identify and transfer funds for this purpose in a future Financial Status Report.

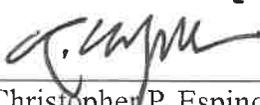
Lastly, LAAC Section 19.192 - Confidentiality and Protection of City Data contains a provision that prohibits City personnel from providing City data or information that can be used to determine or trace a person's citizenship or immigration status to any City contractor unless the contractor first agrees in writing to prohibit the contractor's employees and subcontractors from providing that data or information to any immigration agent, to the extent permitted by law. To address this matter, the City Attorney's Office, in coordination with the CAO's Risk Management Division, updated the City's Standard Provisions for City Contracts (Rev. 1/25 [v.1]) with the following:

PSC-45. No Sharing of City Data with Immigration Agents

Contractor shall not provide, and shall prohibit its employees and subcontractors from providing, any City Data (as that term is defined in PSC-22) to an Immigration Agent if such data can be used to determine or trace a person's Citizenship or Immigration Status, to the extent permitted by law. "Immigration Agent," "Citizenship," and "Immigration Status" shall have the meanings given to them in Section 19.190 of the Los Angeles Administrative Code.

**FISCAL IMPACT STATEMENT**

There is a General Fund impact related to the recommendations contained in this report. The Personnel Department will require \$30,000 in contractual services for the development of an on-line training program for City employees concerning LAAC Chapter 19. This report recommends that the CAO identify and transfer funds for this purpose in a future Financial Status Report.



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Christopher P. Espinosa  
Analyst

Attachments:

- A. Undocumented Immigrant Policies - Police, Fire, Harbor, Airports
- B. Guidelines on ICE Access to City Facilities and Information, May 18, 2017

# **ATTACHMENT A**

# **POLICE DEPARTMENT**

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 40

NOVEMBER 27, 1979

**SUBJECT:** UNDOCUMENTED ALIENS

**PURPOSE:** The Los Angeles community has become significantly more diverse during the past several years with substantial numbers of people from different ethnic and sociological backgrounds migrating to this City. Many aliens, whether from Latin American, African, Asian or European countries, are legal residents. Others are undocumented and are residing in the City without legal sanction.

On March 20, 1979, the Board of Police Commissioners adopted a policy statement concerning undocumented aliens. This order incorporates the policy into The Department Manual and amends related Manual provisions.

**POLICY:** The Department is sensitive to the principle that effective law enforcement depends on a high degree of cooperation between the Department and the public it serves. The Department also recognizes that the Constitution of the United States guarantees equal protection to all persons within its jurisdiction. In view of those principles, it is the policy of the Los Angeles Police Department that undocumented alien status in itself is not a matter for police action. It is, therefore, incumbent upon all employees of this Department to make a personal commitment to equal enforcement of the law and service to the public, regardless of alien status.

The Department acknowledges the existence of social issues involving problems of health, welfare, education, housing and employment which are related to the assimilation of large numbers of persons with varied cultural heritages. Further, as the Department identifies and distinguishes police problems from social problems, it will continue to cooperate with those persons and agencies responsible for resolving these social issues.

In fulfilling its obligations, the Department will provide courteous and professional service to any person in Los Angeles, while taking positive enforcement action against all individuals who commit criminal offenses, whether they are citizens, permanent legal residents or undocumented aliens. In addition, the Department will provide special assistance to persons, groups, communities and businesses who, by the nature of the crimes being committed upon them, require individualized services. Since undocumented aliens, because of their status, are often more vulnerable to victimization, crime prevention assistance will be offered to assist them in safeguarding their property and to lessen their potential to be crime victims. To ensure that these principles can be effective, the Department will encourage the willing cooperation of all persons in programs designed to enhance community—police cooperation. Police service will be readily available to all persons, including the undocumented alien, to ensure a safe and tranquil environment. Participation and involvement of the undocumented alien community in police activities will increase the Department's ability to protect and to serve the entire community.

**PROCEDURE:**

- I. ENFORCEMENT OF UNITED STATES IMMIGRATION LAWS.** Officers shall not initiate police action with the objective of discovering the alien status of a person.

Officers shall not arrest nor book persons for violation of Title 8, Section 1325 of the United States Immigration Code (Illegal Entry).

- II. ALIEN ARREST INFORMATION—NOTIFICATION.** When an undocumented alien is booked for multiple misdemeanor offenses, a high grade misdemeanor or a felony offense, or has been previously arrested for a similar offense, the arresting officer shall:

Telephonically notify the Headquarters Section Desk Officer, Detective Headquarters Division, of the arrest, the arrestee's name, booking number, charge and location booked.

Mark the arrest face sheet "Undocumented Alien."

**DISTRIBUTION "A"**

**III. DETECTIVE HEADQUARTERS DIVISION, HEADQUARTERS SECTION—RESPONSIBILITIES.** The Headquarters Section Desk Officer, Detective Headquarters Division, upon notification that an undocumented alien has been arrested for multiple misdemeanor offenses, a high grade misdemeanor or a felony offense, or has been arrested for the same offense a second time, shall:

- Record the information provided in the DHD Undocumented Alien Log.
- Notify the United States Immigration and Naturalization Service via teletype of the arrest of the individual.
- Forward daily all Arrest Reports marked "Undocumented Alien" to the United States Immigration and Naturalization Service.

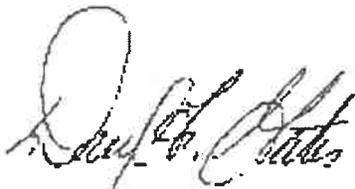
**IV. AREA/DIVISION RECORDS UNIT—RESPONSIBILITY.** Area/division records clerks shall forward one copy of each Arrest Report marked "Undocumented Alien" to Detective Headquarters Division.

**AMENDMENTS:**

This order adds Section 1/390.; amends Sections 4/264.50, 4/264.53, and 5/5.2-86; and deletes Sections 4/264.57 and 4/264.60 from The Department Manual.

**AUDIT RESPONSIBILITY:**

Detective Headquarters Division shall monitor compliance with procedural portions of this directive, in accordance with the provisions of Department Manual Section 0/080.30.



**DARYL F. GATES  
CHIEF OF POLICE**

**DISTRIBUTION "A"**

# **FIRE DEPARTMENT**



From the Office of  
the Fire Chief ...

August 17, 2017

TO: ALL MEMBERS

SUBJECT: UNDOCUMENTED IMMIGRANTS

Los Angeles is one of the most diverse cities in the world. The community that the Los Angeles Fire Department (LAFD) serves is made up of people from a wide range of ethnic and national origins, some of whom are undocumented immigrants. The LAFD recognizes that the high level of trust the community has in its Fire Department is imperative to the successful accomplishment of the Department's mission.

The LAFD is committed to providing service to all people in the City of Los Angeles regardless of immigration status, cultural background, ethnicity, or socioeconomic status. Our response to emergencies or calls for service is not conditioned upon any factor other than a need for help. It is imperative that no one should ever hesitate to call 9-1-1 during an emergency or to request Fire Department services.

The LAFD does not inquire about immigration status during emergency incident response, as it is not relevant to our mission. Additionally, the LAFD strictly adheres to the provisions of the Health Insurance Portability and Accountability Act (HIPAA), which safeguards private medical information. The LAFD does not report immigration status to any agency, nor does it share private health information outside of the provisions of HIPAA.

No member of the LAFD shall inquire about, document, or report the immigration status of any person.

The Los Angeles City Attorney has provided general guidelines for all City employees regarding the potential enforcement activities by the Immigration and Customs Enforcement (ICE) Agents. Any member encountering an ICE Agent requesting records, access to a department facility, or operating on department property that is open to the public shall be guided by the attached document provided by the City Attorney. In addition to following the City Attorney's guidelines, notifications shall be made through channels to the Immigrant Affairs Liaison, which is the Emergency Operations Executive Officer.

Any questions regarding the procedures described above should be directed to the Planning Section at 213-978-3845 or [lafdplanning@lacity.org](mailto:lafdplanning@lacity.org).

Stay Safe,

RALPH M. TERRAZAS  
Fire Chief

# HARBOR DEPARTMENT

To	From
	BOARD OF HARBOR COMMISSIONERS
	EXECUTIVE DIRECTOR
	DED & CHIEF OF STAFF
	DED & CHIEF FINANCIAL OFFICER
	CHIEF OF PUBLIC SAFETY & EMERG MGT
	DED - MKTG & CUSTOMER RELATIONS
	DED - DEVELOPMENT
	SR DIRECTOR, COMMUNICATIONS
	SR DIRECTOR, GOVERNMENT AFFAIRS
	ACCOUNTING
	CARGO/INDUSTRIAL REAL ESTATE
	CARGO MARKETING
	CITY ATTORNEY
	COMMISSION OFFICE
	COMMUNITY RELATIONS
	CONSTRUCTION
	CONSTRUCTION & MAINTENANCE
	CONTRACTS & PURCHASING
	DEBT & TREASURY MANAGEMENT
	EMERGENCY MANAGEMENT

CITY OF LOS ANGELES  
HARBOR DEPARTMENT

OFFICE MEMORANDUM

March 21, 2017

To	From	
	ENGINEERING	
	ENVIRONMENTAL MANAGEMENT	
	FINANCIAL MANAGEMENT	
	GOODS MOVEMENT	
	GRAPHICS	
	HUMAN RESOURCES	
	INFORMATION TECHNOLOGY	
	LEGISLATIVE AFFAIRS	
	MANAGEMENT AUDIT	
	MEDIA RELATIONS	
	PLANNING & STRATEGY	
	PORT PILOTS	
XX	PORT POLICE	X
	RISK MANAGEMENT	
	TRADE DEVELOPMENT	
	WATERFRONT/COMM REAL ESTATE	
	WHARFINGERS	

**SPECIAL ORDER 17-01**

**TO: All Port Police Personnel**

**SUBJECT: MODIFICATION TO POLICY 428 IMMIGRATION VIOLATIONS**

Effective immediately, revised Policy 428 shall be implemented. Policy 428 has been revised in order to better conform to the policies of the City of Los Angeles with regard to immigrants in Los Angeles.

All staff is directed to read and be familiar with the attached revised policy which will be incorporated into the Policy Manual at its next publication.

  
THOMAS E. GAZSI  
Chief of Police

TEG:GPC:ng



## Immigration Violations

### 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Los Angeles Port Police for enforcing immigration laws. This guidance is intended to provide consistency with the policies of the City of Los Angeles and the LAPD in the area of immigration enforcement.

### 428.2 POLICY

It is the policy of the Los Angeles Port Police 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 immigration inquiry 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.

### 428.4 ENFORCEMENT

Officers shall not initiate police action with the objective of discovering the immigration status of an individual. Officers shall not arrest nor book persons for violations of 8 USC § 1325.

The Los Angeles Port Police shall not participate in the voluntary program authorized by Section 287(g) of the Federal Immigration and Nationality Act.

### 428.5 IMMIGRATION HOLDS

No individual shall be held based solely on a request by Immigrations and Customs Enforcement (ICE) if they are otherwise eligible for release unless the request is accompanied by a valid and properly issued judicial criminal warrant.

### 428.6 ICE REQUESTS FOR ASSISTANCE

Port Police will not provide assistance to ICE with the direct purpose of assisting enforcement of civil immigration activities. Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Port Police may conduct services such as traffic control or peacekeeping efforts in order to provide public safety in conformance with our local law enforcement mission.

# Los Angeles Port Police

## Policy Manual

### *Immigration Violations*

#### **428.7 ARREST NOTIFICATION TO ICE**

When booking arrestees at the Los Angeles City or County jail, ICE notification should be handled according to jail procedures.

As mandated by California law, whenever an officer has reason to believe that an individual arrested for any offense listed in Health and Safety Code § 11369 may not be a citizen of the United States, and the individual is not going to be booked into a jail, the arresting officer shall notify ICE or other appropriate agency of the United States.

In conformance with Federal Law, individuals arrested for serious or violent felony or high-grade misdemeanor or repeat offenses who are not going to be booked into a jail may be reported to ICE or other appropriate agency of the United States.

When determining whether notification of immigration authorities is appropriate, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

- (a) Seriousness of the offense
- (b) Community safety
- (c) Impact on the immigrant community

No individual who is otherwise ready to be released should continue to be detained solely for the purpose of making notification to immigration authorities.

#### **428.8 INFORMATION SHARING**

In conformance with Federal Law; no member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

##### **428.8.1 NOTICE TO INDIVIDUALS**

Individuals shall be given a copy of documentation received from ICE regarding a hold, notification or transfer request along with information as to whether the Los Angeles Port Police intends to comply with the request (Government Code § 7283.1).

# Los Angeles Port Police

## Policy Manual

### *Immigration Violations*

If the Los Angeles Port Police provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

#### **428.8.2 ICE INTERVIEWS**

Before any interview between ICE personnel and an individual in custody for civil immigration violations, the Los Angeles Port Police shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

#### **428.9 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Section supervisor assigned to oversee the handling of any related case. The Criminal Investigations Section supervisor shall:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

**Los Angeles Port Police**  
Policy Manual

*Immigration Violations*

(e) Inform the victim liaison of any requests and their status.

**428.9.1 TIME FRAMES FOR COMPLETION**

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the 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 above process and the 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.

**428.9.2 REPORTING TO LEGISLATURE**

The Criminal Investigations Section supervisor or the authorized designee should ensure that 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 TRAINING**

The Deputy Chief of MLETC and Training shall ensure that all appropriate members receive immigration training.

# TRAINING BULLETIN

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Los Angeles Port Police



Thomas E. Gazsi, Chief of Police

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## Immigration Enforcement: Frequently Asked Questions May 16, 2017

**PURPOSE:** The Purpose of this training bulletin is to provide answers to some frequently asked questions regarding the involvement of the Los Angeles Port Police in immigration enforcement. This guidance is consistent with and derived from similar guidance issued by the LAPD.

**BACKGROUND:** The proper role of local law enforcement in enforcing immigration law is an area of great public policy debate and sometimes confusion. This can lead to misconceptions about what Port Police officers may or may not do regarding immigration enforcement as well as what is the City and the Department's relationship to federal law enforcement agencies.

The Port Police is a Charter authorized municipal police agency responsible for enforcing state and local criminal laws and port specific administrative regulations within the jurisdiction of the City of Los Angeles primarily focused within the geographic jurisdiction of the Harbor District.

The Port Police has no authority or responsibility to, enforce federal civil immigration laws which are used to detain and remove undocumented immigrants from the United States. The Port Police will not serve as a civil immigration enforcement agency for the federal government. In some cases Port Police officers may arrest criminal suspects wanted for violating criminal provisions of federal immigration law. The Port Police Department does not perform immigration functions unrelated to investigating and enforcing criminal violations.

Federal agencies, such as U.S. Citizenship and Immigration Service (USCIS), Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE), are responsible for administering and enforcing federal civil and criminal immigration laws. CBP and ICE are responsible for investigating federal criminal violations of immigration laws in coordination with federal prosecutors who seek criminal penalties, including prison terms and fines, in United States District Courts. These federal agencies are also responsible for removing individuals who are not in compliance with federal immigration laws and regulations. The Port Police role in immigration enforcement is defined by the policies and procedures adopted by the Mayor, City Council, the Los Angeles Board of Harbor Commissioners, the Executive Director of the Harbor Department, and the Chief of the Port Police. These policies and procedures are consistent with the limitations of federal, state, and local laws.

## **ANSWERS TO THE MOST FREQUENTLY ASKED QUESTIONS REGARDING THE PORT POLICE ROLE IN IMMIGRATION**

### **1. Does the Port Police make arrests for or otherwise enforce federal civil immigration violations?**

No. Port Police officers do not have the authority or responsibility to enforce Federal civil laws that regulate an immigrant's status in the United States. Whether a person is permitted to be in, work in, or travel in the United States is determined by federal civil and administrative law which does not enable a local law enforcement officer to use his or her criminal investigative authorities to arrest someone who may be undocumented. Immigration status violations are civil in nature and, under Federal law, are within the jurisdiction and responsibility of federal government agencies such as Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP).

### **2. Can a Port Police officer stop a person to determine the person's immigration status?**

No. Port Police Policy 428.4 restricts officers from stopping, detaining, or questioning a person based solely on the person's suspected immigration status. In addition, federal law restricts a local police officer from stopping an individual based on the perceived immigration status of the person or enforcing federal civil immigration law absent an agreement and delegation of authority by the U.S. Department of Homeland Security. (See Question No. 20 for an explanation of the 287(g) Program).

The LAPD adopted a similar policy when it adopted Special Order 40 over 35 years ago to ensure that immigrants are not afraid to contact the LAPD if they are a victim or witness to a crime. Both Port Police and LAPD policy affirm that the obligation to protect all Angelenos from crime and victimization and that the full cooperation of victims and witnesses, regardless of immigration status, is essential to hold criminals accountable in a court of law.

### **3. Are there any federal immigration-related laws that make it a crime for someone who is undocumented to be in the United States?**

Yes. Although immigration status violations are generally civil in nature there are limited circumstances when an undocumented immigrant may have committed a federal crime for improperly entering or re-entering the United States under federal immigration laws. For example, Title 8, United States Code Section 1325 makes it a federal misdemeanor crime to improperly enter the United States without the permission of the U.S. Attorney General. In addition, it is a felony under Title 8, United States Code Section 1326 if a person is found in the United States and was previously denied admission, excluded, deported, or removed.

Federal immigration authorities have the primary responsibility to investigate and enforce criminal immigration offenses, including violations of Sections 1325 and 1326.

**4. Can a Port Police officer arrest someone who has an outstanding arrest warrant for violating a federal criminal immigration offense?**

Yes. If a Port Police officer learns that a suspect has an outstanding federal criminal warrant for an immigration-related offense, such as a violation of 8 U.S.C. § 1325 (Improper Entry) or 8 U.S.C. § 1326 (Illegal Re-entry), the officer may detain the suspect and arrest the individual pursuant to the warrant issued by a federal judge. Once the suspect is taken into custody they will be booked into an LAPD jail. The LAPD will transfer the suspect to federal authorities to appear before a federal magistrate judge.

**5. Can a Port Police officer make a warrantless arrest of someone who is suspected of entering the country improperly in violation of 8 U.S.C. § 1325 (Improper Entry)?**

No, Port Police officers are restricted under Port Police policy and state law from arresting a person for improperly entering the United States in violation of Title 8, United States Code Section 1325.

Section 1325 is a misdemeanor violation of federal immigration law and a person must have improperly entered the United States in the officer's presence to make a warrantless misdemeanor arrest for improper entry.

**6. Can a Port Police officer temporarily detain someone who was previously deported and re-entered the United States in violation of 8 U.S.C. § 1326 (Illegal Re-Entry)?**

While conducting law enforcement activities unrelated to the purpose of determining a person's immigration status (see Question No. 2), officers may receive a National Crime Information Center Immigration violator's Record stating that a person may have violated federal criminal immigration laws for illegally re-entering the United States after a conviction for a criminal offense. In cases where there is reasonable suspicion to believe that the individual illegally re-entered the United States after being convicted of an "aggravated felony" as defined by federal statute, a violation of Section 1326(a), (b)(2) (Illegal Re-entry after Conviction of an Aggravated Felony), Port Police officers are permitted to continue detaining the individual for a reasonable period not to exceed four hours and contact ICE. (See Question No. 12 regarding notifying ICE).

Port Police officers are only authorized to detain an individual to investigate whether the individual may be in violation of Section 1326(a), (b)(2). If during the investigation officers determine that there is no longer reasonable suspicion to believe that the individual violated Section 1326(a), (b)(2), the individual shall be immediately released from custody unless another lawful basis exists to detain or arrest the individual for an unrelated criminal charge.

**7. What is LAPD "Special Order 40"?**

Special Order 40 refers to an LAPD policy, adopted by the Los Angeles Board of Police Commissioners in 1979 that restricts an LAPD officer from initiating a police action with the

objective of discovering a person's immigration status. Special Order 40 also prohibits an LAPD officer from arresting a person suspected of improperly entering the United States in violation of Title 8, United States Code Section 1325. Both prohibitions are consistent with state and federal law. Port Police Policy 428 regarding immigration violations is consistent with this long standing LAPD policy.

**8. Does Port Police policy 428 or LAPD Special Order 40 limit an officer's ability to arrest a person suspected of committing a crime under state, local, or federal law?**

No. Nothing in Port Police policy 428 or LAPD Special Order 40 restricts an officer from lawfully stopping, detaining, questioning or arresting a person for committing a local, state, or federal crime.

**9. Does the Port Police interview arrestees to determine their immigration status?**

No. The Port Police does not interview arrestees to determine their immigration status but an officer may ask the arrestee for his or her place of birth and nationality. This information is required for booking forms and other documentation to ensure that foreign nationals receive information regarding consular assistance.

**10. Does the Port Police notify ICE that they have arrested someone who may be in violation of civil immigration laws?**

No. The Port Police does not notify ICE that a person in custody may be in violation of civil immigration laws. (See Question No. 18 regarding how ICE may learn of someone in custody).

**11. Does the Port Police notify ICE if a suspect or arrestee has an immigration- related criminal arrest warrant?**

Yes. If an officer learns that an arrestee has an outstanding arrest warrant for a criminal violation of federal immigration law, the Port Police will notify ICE or the originating agency to determine whether the agency will take custody of the arrestee for criminal prosecution in federal court.

**12. Does the Port Police notify ICE if a suspect or arrestee does not have a warrant but there is reasonable suspicion that the person may have illegally re-entered the United States in violation of 8 U.S.C. § 1326, a felony?**

Yes, but only when there is reasonable suspicion to believe that the individual illegally re-entered the United States after being convicted of an "aggravated felony" as defined by federal statute, a violation of Section 1326(a), (b)(2) (Illegal Re-entry after Conviction of an Aggravated Felony). The Port Police will notify ICE's Law Enforcement Support Center that the individual will be held for a reasonable period not to exceed four hours.

**13. Does the Port Police or LAPD allow ICE Personnel to interview individuals arrested by the Port Police at Port Police or LAPD jail facilities?**

Only if the arrestee provides written consent to the interview. If ICE personnel request an interview of an arrestee, the Port Police will notify the arrestee of the request, and the arrestee has the right to refuse to be interviewed by an ICE agent. This process is consistent with interview requests made by any local, state or federal law enforcement agency. ICE personnel are not present in LAPD jail facilities to screen arrestees for immigration status and must make interview requests on an individual basis.

**14. Does the Port Police maintain records of the immigration status of an arrestee, witness or victim?**

The Port Police does not routinely request or record the immigration status of victims, witnesses, or arrestees unless it is related to an ongoing criminal investigation or if such information is provided by an outside agency. For example, if an undocumented immigrant was victimized because of his or her immigration status, the person's status would be reflected in investigative records.

Port Police policy 428.9 sets forth a procedure for supporting an undocumented immigrant's application to obtain a Non-Immigrant visa after assisting law enforcement authorities. In this instance the Port Police would maintain documentation indicating the applicant's immigration status. Finally, if another agency such as ICE makes notification of an arrestee's immigration status, that written record is maintained as required by law.

**15. What is an "Immigration Detainer Request"?**

When the Department of Homeland Security becomes aware that someone in custody may be in violation of federal civil immigration laws, ICE will transmit a form entitled "Immigration Detainer – Notice of Action." (This is usually to the agency running the jail after booking into a jail facility which for the Port Police is routinely LAPD). The form asks the local agency to voluntarily hold an arrestee in jail for an additional 48 hours after the arrestee would otherwise be released so that ICE personnel can assume custody of the arrestee. An immigration detainer request is neither an arrest warrant nor a judicial order requiring the detention of an arrestee.

**16. Does the LAPD, or would the Port Police seek to, extend an arrestee's time in jail based solely on an Immigration Detainer Request?**

No. An immigration detainer request is not an arrest warrant based on probable cause of a criminal violation issued by a neutral magistrate judge. A detainer simply asks to extend an arrestee's time in custody beyond what is allowed under the law for the underlying state or local crime. Federal courts have ruled that a local agency cannot keep a person in custody without a probable cause determination by a neutral magistrate and that detaining an individual based solely on a civil immigration detainer request violates the Fourth Amendment of the U.S. Constitution. Therefore,

neither the Port Police nor the LAPD will extend an arrestee's time in custody based solely on an immigration detainer request.

**17. Will the LAPD, or the Port Police seek to extend an arrestee's time in custody if an Immigration Detainer Request is accompanied by a Form I-200 "Warrant for Arrest of Alien" or Form I-205 "Warrant of Removal/Deportation"?**

No. A "Warrant for Arrest of Alien" and "Warrant of Removal/Deportation" are administrative directions to federal immigration officers to take a person into custody for civil immigration proceedings. These documents are not arrest warrants based on probable cause of a criminal violation and are not issued by a neutral magistrate as required under the Fourth Amendment of the U.S. Constitution. Therefore, neither the Port Police, nor LAPD will extend an arrestee's time in custody based on an Immigration Detainer Request accompanied with either document.

**18. How does the Department of Homeland Security and ICE know that the Port Police or LAPD has someone in custody if neither agency notifies them?**

When an arrestee is booked in an LAPD facility his or her fingerprints are transmitted to the Federal Bureau Investigation to confirm the arrestee's identity and obtain the arrestee's criminal history.

The U.S. Department of Homeland Security and ICE have access to the FBI's database and may be notified when a person is arrested.

**19. Does the Port Police or LAPD transfer arrestees to ICE for civil immigration violations?**

No. Arrestees are not transferred to ICE custody for civil immigration violations.

However, once released from an LAPD jail facility ICE personnel may take that person into custody when the person is in public.

**20. What is the federal "287(g)" Program?**

The U.S. Department of Homeland Security's "287(g) Program" refers to Section 287(g) of the Immigration and Nationality Act which allows ICE to delegate its authority to local police agencies that volunteer to take on civil immigration enforcement responsibilities. According to the Department of Homeland Security, only a small number of local law enforcement agencies participate in the 287(g) program.

As of March 10, 2017, there are 41 agencies in 17 states that voluntarily participate in the 287(g) program with DHS. See <https://www.ice.gov/factsheets/287g>. Neither the the Port Police, nor LAPD participate in the 287(g) program and therefore have not obtained any civil immigration enforcement authority through this, or any other, federal program.

**21. Does the Port Police assist ICE with civil immigration enforcement operations in Los Angeles?**

No. Port Police officers do not participate in or assist ICE personnel during civil immigration enforcement operations. Port Police officers will respond to the location of an immigration operation if there is an emergency, such as a crime in progress or a medical emergency.

**22. Does the Port Police work with ICE on criminal investigations unrelated to immigration?**

Yes. The Port Police works closely with ICE Special Agents to investigate serious state and federal criminal offenses such as narcotics trafficking, intellectual property theft, human trafficking, child exploitation and terrorism. Port Police officers are also assigned to federal task forces supported by ICE to investigate criminal networks and criminally prosecute offenders. Port Police task force officers, however, are prohibited from participating in any civil immigration enforcement-related operations and must comply with Port Police policies and state law.

**23. Do the Port Police or the LAPD have any “Sanctuary City” policies?**

“Sanctuary City” or “Sanctuary City Policies” are not terms used by the Port Police or LAPD and are not defined under federal, state, or local law. Some jurisdictions declare themselves as a “sanctuary jurisdiction” while others may be viewed as a “sanctuary jurisdiction” based on the perception that such jurisdiction may not fully cooperate with federal authorities in the enforcement of federal immigration law. Port Police policies and procedures regarding immigration enforcement are in accordance with local, state and federal laws and are designed to promote the Department’s commitment to constitutional policing and public safety.

**24. What is City of Los Angeles Executive Directive No. 20?**

Executive Directive No. 20 refers to a mayoral order issued on March 21, 2017 setting forth the Mayor’s longstanding commitment to immigrants in Los Angeles.

Among other things, it directs the Chief of Police of the Port Police to maintain policies and procedures consistent with the LAPD’s existing policies and procedures with respect to immigration enforcement, including the policy that originated in Special Order 40, the ICE detainer policy, and the policy against partnering with ICE to perform civil immigration enforcement.

# **AIRPORTS DEPARTMENT**

- (3) Maintain and update the SDCF and SDCS Completion Guides, as necessary.

#### **5/8.10 Immigration Violations**

- A. It is the policy of the Airport Police that undocumented resident status, in itself, is not a matter for police action.
1. It is incumbent upon all employees of the Airport Police to make a personal commitment to equal enforcement of the law and service to the community we serve, regardless of resident status.
  2. Officers shall not initiate police action with the objective of discovering the resident status of an individual. Officers shall neither arrest nor book persons for violation of 8 USC § 1325 (Illegal Entry).
  3. Officers shall not notify ICE of any arrest involving an undocumented resident.
  4. A subject of an ICE hold/detainer will not be held in criminal custody once they are eligible for release:
    - a. All criminal charges against the individual have been dropped or dismissed;
    - b. The individual has been acquitted of all criminal charges files against them;
    - c. The individual has posted a bond; or,
    - d. The individual is otherwise eligible for release under state or local law, or local policy.
- B. Immigration Enforcement
1. The Division, as a local law enforcement agency, is responsible for enforcing state and local criminal laws. It is neither authorized nor responsible for the enforcement of civil immigration laws or regulations.
  2. Accordingly, Division personnel shall not inquire about, or record, a person's civil immigration status unless, under the particular circumstances, it is necessary to:
    - a. Provide victim services such as T or U Visa information or certifications;
    - b. Investigate a criminal offense (e.g., sexual exploitation, trafficking, involuntary servitude, extortion, etc.); or,
    - c. Otherwise required by law.
- C. Criminal Immigration Offenses
1. Federal Criminal Arrest Warrants
    - a. Division personnel shall continue to honor arrest warrants issued by federal district court or magistrate judges for criminal offenses including arrest warrants for federal immigration crimes.

2. Temporary Detentions for Illegal Re-entry Criminal Offenses

a. Officers may detain for investigation, based on reasonable suspicion, a person suspected of violating 8 USC § 1326(a), (b)(2), Illegal Reentry after Conviction of an Aggravated Felony, a felony immigration offense, under the following circumstances:

- (1) The person was initially contacted by Division personnel for reasons unrelated to immigration enforcement;
- (2) The person is reasonably suspected of having a prior conviction for an "aggravated felony" under federal law;
- (3) The purpose of the detention is to determine if the prior conviction for an aggravated felony is also classified as a "serious or violent felony" as defined in California Penal Code §§ 192.7(c) and 667.5(c); 2 and,
- (4) The person is not a victim of, or a witness to, a crime or can otherwise provide evidence in a criminal investigation.

D. Place of Birth Inquiries

1. Some members of the public may misperceive the purpose of inquiring about a person's birthplace when questioned during a law enforcement contact, especially when contacting the police as a victim or witness.

a. To minimize the potential misperception and possible degradation of public trust, the following procedures shall take effect:

(1) Victims, Witnesses and Temporarily-Detained Suspects. Officers shall not ask a victim, witness, or temporarily-detained individual for his or her place of birth unless necessary under the particular circumstances to investigate a criminal offense.

2. Arrestees. Division personnel may ask and record an arrestee's place of birth when it is:

- a. Necessary to book or process the arrestee for a criminal offense;
- b. Necessary to comply with consular notification obligations,
- c. Necessary to investigate a criminal offense; or,
- d. Otherwise required by law.

E. Task Force Operations

1. Division personnel may participate in joint task force operations, such as execution of criminal search or arrest warrants, interviewing witnesses, or other criminal investigative activities, involving US-ICE or US-CBP when execution of the operation will not involve civil immigration enforcement by any participant.

F. Non-Task Force Joint Operations

## CHAPTER V – Management Rules and Procedures

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1. Division personnel may participate in non-task force joint operations, such as execution of criminal search or arrest warrants, interviewing witnesses, or other criminal investigative activities, involving US-ICE or US-CBP when:
  - a. Execution of the operation will not involve civil immigration enforcement by any participant;
  - b. A tactical or operational plan identifies all agencies to be involved in the execution of the joint operation; and,
  - c. The joint operation involving US-ICE or US\_CBP is approved by the corresponding Assistant Chief.
- G. Custodial Operations
  1. Consular Notifications
    - a. Division personnel shall continue to comply with federal law and the Vienna Convention on Consular Relations obligations.
  2. Civil Immigration Detainer Requests
    - a. Division personnel shall not detain an individual based on a US-ICE Detainer Request without a judicial probable cause determination or judicial warrant that authorizes a law enforcement officer to arrest and take into custody the individual for a federal criminal immigration offense or other crime.
- H. ICE Notification of Release and Information Requests
  1. Public Information
    - a. Division personnel shall provide arrestee information to US-ICE or US-CBP only as required under:
      - a. The California Public Records Act (CPRA); and,
      - b. Federal law under 8 USC § 1373, which prohibits any Division policy that restricts personnel from sending information regarding citizenship or immigration status of any individual to the U.S. Department of Homeland Security or US-ICE.
      - c. This information may be subject to release under the CPRA and federal law.
  2. Non-Public Information
    - a. Division personnel shall not disclose non-public information regarding an arrestee, including an arrestee's home or work address, except as required by federal law under 8 USC. § 1373.
  3. ICE Access to Holding Facilities for Custodial Transfers
    - a. Division personnel shall not permit US-ICE agent's access to Division holding facilities to transfer arrestees except:

- (1) To transfer custody pursuant to a judicial warrant or judicial probable cause determination for a criminal offense that authorizes a law enforcement officer to arrest and take into custody the individual for a federal criminal immigration offense; or,
  - (2) To transfer custody of an arrestee for violating 8 USC § 1326(a), (b)(2), illegal reentry after conviction of an aggravated felony, where the prior conviction is classified as a serious or violent felony, as defined in California Penal Code §§ 1192.7(c) and 667.5(c).
- b. The Command Duty Officer must approve any transfer of an arrestee to federal authorities for a criminal immigration offense that does not involve a judicial probable cause determination or judicially issued criminal arrest warrant.
- (1) The Command Duty Officer shall coordinate as needed with the LAPD Immigration Liaison Officer, who can be reached through the LAPD Department Command Post (RACR).
4. ICE Access to Holding Facility for Interviews of Arrestees
- a. US-ICE agents shall be granted access to the Division holding facility to interview an arrestee if the individual consents to the interview after full advisement of his or her rights, including the arrestee's right to an attorney, in writing, and in accordance with the California TRUTH Act
- I. Joint Task Force Participation and Operations
1. Memoranda of Understanding for Joint Task Forces
- a. All memoranda of understanding (MOUs) entered into after issuance of this Notice for joint law enforcement task forces involving US-ICE or US-CBP shall include a provision indicating that DIVISION participants must comply with DIVISION policies and procedures regarding immigration enforcement during their participation in any task force activity.
  - b. All MOUs entered into after the issuance of this Directive for joint task forces involving US-ICE or US-CBP shall include provisions that Division personnel will not participate in, or assist with, civil immigration enforcement and, if deputized as a federal task force officer, Division personnel will not accept any legal authority to enforce civil immigration offenses.
  - c. Division personnel shall not participate in a joint law enforcement task force where the primary or direct purpose is to enforce civil immigration laws or when participation in the task force violates local law or policy. Division personnel may participate in joint task forces with US-ICE or US-CBP membership where the purpose of the task force is to investigate violations of local, state or federal criminal laws unrelated to immigration enforcement.

#### **5/8.11 Employee's Duty to Report Misconduct**

- A. When an Airport Police employee who is not a supervisor becomes aware of possible misconduct by another member of this Division, the employee shall immediately notify a supervisor or directly contact Internal Affairs Unit.
1. Furthermore, the employee shall take appropriate action to cause the misconduct to immediately cease.

# **ATTACHMENT B**



**MICHAEL N. FEUER**  
CITY ATTORNEY

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**To:** Department Heads, City of Los Angeles  
**From:** Office of the Los Angeles City Attorney  
**Subject:** Guidelines on ICE Access to City Facilities and Information  
**Date:** May 18, 2017

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This memorandum contains general guidelines for City departments and their employees regarding potential enforcement activities by Immigration and Customs Enforcement (ICE) agents on City property, and requests for information by ICE.

A. ICE Seeking Access to City Facilities Not Open to the General Public

- If a City facility is *not open to the general public* – such as areas restricted to City employees or City offices and meeting rooms where only invited members of the public may enter – then the City is not required to grant an ICE agent entry to that facility absent a warrant or court order.
- An employee who receives a request by an ICE agent to gain entry into an area of a City facility not open to the general public should tell the ICE agent that the area is not open to the general public and access is not allowed without a warrant or court order. If the ICE agent still seeks entry but has no warrant or court order, the employee should request the name and badge/ID number of the ICE agent and purpose of the visit and ask the ICE agent to wait outside the area until the employee can consult with his or her supervisor and legal counsel. The employee should immediately notify his or her supervisor and together contact this Office by calling the phone number listed at the end of this guidance memo. If the ICE agent refuses to wait until the employee consults with the supervisor and our Office, the employee should make clear his or her objection to the ICE agent's conduct but should not attempt physically to prevent entry. The employee should document the incident and immediately inform his or her supervisor, this Office and the LAPD's Security Services Division.
- If an ICE agent presents an employee with a warrant or court order to gain entry into an area of a City facility not open to the general public, the employee should obtain a copy of the warrant or order and request that the ICE agent wait outside the area until the employee can consult with his

or her supervisor and legal counsel. The employee should immediately notify the supervisor and together contact this Office by calling the phone number listed at the end of this guidance memo. If the ICE agent insists on entering the area without waiting for the employee to consult with the supervisor and this Office, the employee should make clear the objection to the ICE agent's conduct but should not attempt physically to prevent entry. The employee should immediately inform his or her supervisor, this Office and the LAPD's Security Services Division along with documenting the incident.

- If a City department has a general question about whether an area or room in a City facility is open to the general public, the department's general manager or designee should contact the Deputy City Attorney who regularly advises the department.

#### B. ICE Enforcement Activities in City Facilities Open to the General Public

- As a general matter, if a City facility, or portion of the facility, is *open to the general public*, an ICE agent has the right, in that public area, to initiate a consensual encounter with a person; to question the person and ask for identification; to conduct an investigatory stop pursuant to a reasonable suspicion of criminal activity; and to surveil, question, serve papers on, and even arrest a person.
- If a City employee observes an ICE agent engaging in enforcement activities at a City facility, the employee should document the date, time, location, and details of the encounter.
- The City employee should immediately report the incident to a supervisor. The same day, the supervisor should report the incident to the attorney who regularly advises the department.
- The City employee should not attempt to impede or interfere with an ICE agent engaged in immigration enforcement activity.
- City departments that provide childcare, educational, vocational training, or health care-related programs and services, or which otherwise serve vulnerable populations – children, pregnant women, victims of crimes or abuse, individuals with mental or physical disabilities, or senior citizens – should be made aware and maintain copies of ICE's "sensitive locations" policy, which discourages ICE enforcement actions in sensitive locations or where services are provided to vulnerable groups. If any ICE enforcement activity takes place in a sensitive location, the department should document and report the incident, as above, with a notation that the incident occurred in a sensitive location.

#### C. ICE Requests for City Records Regarding Citizenship and Immigration Status

- ICE may request City records regarding citizenship and immigration status of an individual. Under 8 U.S.C. Section 1373, the City may not restrict a City employee from providing ICE with existing City records responsive to such a request. However, before an employee responds in any way to such a request, the employee and his or her supervisor should seek legal guidance from this Office by contacting this Office at the phone number listed at the end of this guidance memo.

D. ICE Requests for City Records Not Regarding Citizenship or Immigration Status

- If ICE seeks access to City records that do not directly concern the citizenship or immigration status of an individual, the request will be considered under the California Public Records Act (CPRA). ICE is entitled to receive a response and a production of public, non-exempt records, just like any other person who requests records under the CPRA. However, if ICE seeks non-public records, public records exempt under the CPRA, or other confidential information maintained by a City department, the record should only be provided if ICE has a warrant or court order directing the City department to provide ICE access to such information. The department should obtain a copy of the warrant or court order and before complying contact this Office by calling the phone number listed at the end of this guidance memo.
- If ICE seeks confidential, non-public, or non-exempt City records without a warrant or court order, the department should inform ICE that before access to the records can be provided, the department must first obtain advice from its legal counsel. The department should immediately report the ICE request to this Office by calling the phone number listed at the end of this guidance memo.

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*Where this guidance memo requests that City department personnel contact this Office, please call (213) 978-8100, identify yourself and the department you work for, and ask for the Deputy City Attorney on duty for client department immigration advice.*