

## CITY OF LOS ANGELES

## INTER-DEPARTMENTAL CORRESPONDENCE

DATE: August 1, 2025

TO: Honorable Members of the Los Angeles City Council

FROM: Eugene D. Seroka, Executive Director  
Harbor Department



**SUBJECT: RESPONSE TO MOTION COUNCIL FILE 25-0732**

Motion CF 25-0732 (McOsker—Soto-Martinez) requests the Los Angeles Port Police in coordination with the Harbor Department (POLA, the Port) report back on current procedures, protocols, and jurisdictional roles related to federal immigration enforcement or engagement in and around Port property, including off-site terminals, warehouses, and other Port-adjacent operations, along with recommendations to establish clear guidelines and communications procedures for future federal enforcement activities.

Port Police Procedures, Protocols, and Jurisdictional Roles Related to Federal Immigration Enforcement

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. Their 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, and the Chief of the Port Police. The Port Police has no authority or responsibility to enforce civil immigration laws.

Specific elements of Port Police policy regarding immigration enforcement include:

- The Port Police will not serve as a civil immigration enforcement agency for the federal government.
- The Port Police will not provide assistance to U.S. Immigrations and Customs Enforcement with the purpose of assisting enforcement of civil immigration activities.
- No individual who is otherwise eligible to be released shall be detained solely for the purpose of making notification to, or at the request of, immigration authorities.

Guidelines and Communications Procedures for Future Federal Enforcement Activities

Guidance regarding immigration enforcement specific to the Port Police includes Port Police Policy 428 Immigration Violations (Attachment 1) and Port Police Training Bulletin - Immigration Enforcement dated May 16, 2017 (Attachment 2).

**SUBJECT: RESPONSE TO MOTION COUNCIL FILE 25-0732**

The Port Police continually review new or revised directions from the Mayor's Office and City Council to ensure that policy and training are consistent with current City-wide policies, including the Sanctuary City Ordinance. Port Police also closely monitor LAPD doctrine, including the 2025 LAPD Community Policing and Immigration Guide (Attachment 3). Immigration enforcement protocols are reviewed with Port Police officers regularly in roll call settings.

The Community Relations team for the Port of Los Angeles have received training from Port Police on current procedures and protocols related to federal immigration enforcement to ensure consistent messaging and information sharing. The Port Police firmly adheres to all Citywide policies and practices.

Questions regarding this report may be addressed to:

Chief Thomas Gazsi, Chief of Port Police at (310) 732-3520.

EDS:mew

cc: Anissa Raja, Council District 15  
Kevin Brunke, Council District 11  
Erick Martell, Mayor's Office

Attachment 1: Port Police Policy 428 Immigration Violations

Attachment 2: Port Police Training Bulletin - Immigration Enforcement dated May 16, 2017

Attachment 3: 2025 LAPD Community Policing and Immigration Guide

# 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 Los Angeles Police Department (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 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.

## 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.

### 428.4.1 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

## 428.5 IMMIGRATION HOLDS

No individual shall be held 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

Los Angeles 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 Los Angeles Port Police

## *Immigration Violations*

---

may conduct services such as traffic control or peace keeping efforts in order to provide public safety in conformance with our local law enforcement mission.

### **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 a 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.

#### **428.7.1 IMMIGRATION HOLDS**

Individuals should not be held in custody solely for a civil immigration hold under 8 CFR 287.7 unless the individual (Government Code § 7282; Government Code § 7282.5):

- (a) Has been convicted of offenses specified in Government Code § 7282.5.
- (b) Has been charged with offenses specified in Government Code § 7282.5 after a court has determined probable cause supports the charge.
- (c) Is a sex or arson registrant.

In no event should a person be held under this section for longer than 48 hours. Notification to the federal authority should be made prior to the release.

### **428.8 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)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).



## *Immigration Violations*

---

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 should:

- (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.
  - (a) The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
  - (b) Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
  - (c) Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
  - (d) Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11).
- (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.
  - 1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
- (e) Inform the victim liaison of any requests and their status.

### 428.8.1 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 indicating the individual is a victim for the 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 certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10

## *Immigration Violations*

---

and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

### **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.

### **428.8.3 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).

### **428.9 TRAINING**

The Deputy Chief of Training and Emergency Management Group or their authorized designee shall ensure that all appropriate members receive immigration training.

### **428.10 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Patrol Operations Division or their authorized designee.

# TRAINING BULLETIN

---

**Los Angeles Port Police**

---



---

**Thomas E. Gazsi, Chief of Police**

---

## **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.

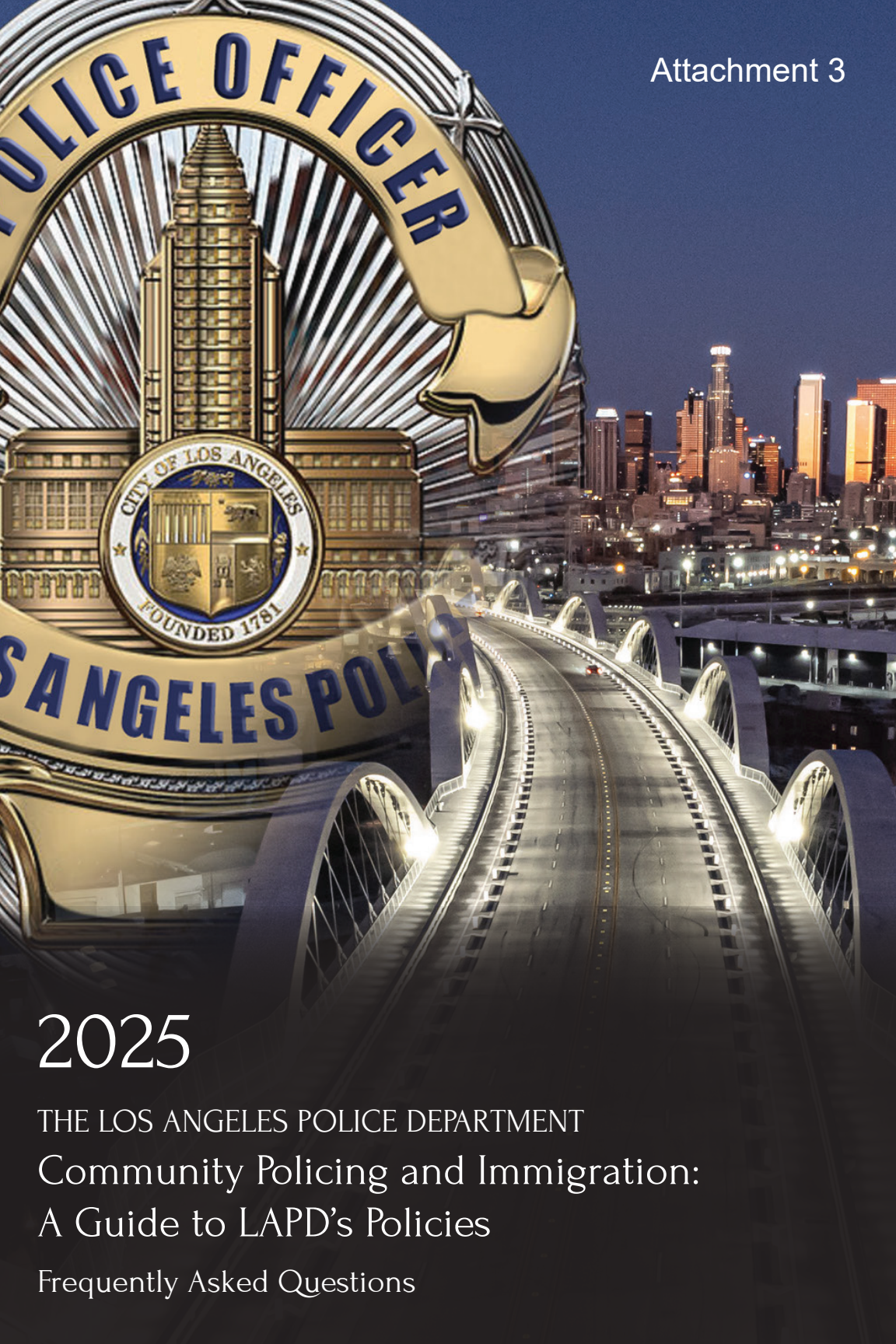
**23. Do the Port Police or the LAPD have any “Sanctuary City” policies?**

“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.



2025

THE LOS ANGELES POLICE DEPARTMENT  
Community Policing and Immigration:  
A Guide to LAPD's Policies  
Frequently Asked Questions



The purpose of this document is to answer frequently asked questions about the LAPD's roles, responsibilities and restrictions regarding immigration enforcement in Los Angeles.

## **The Los Angeles Police Department**

The Los Angeles Police Department (LAPD) is a municipal police agency responsible for enforcing state and local criminal laws within the jurisdiction of the City of Los Angeles. The Department's nearly 8,700 officers and 2,500 civilian professionals are dedicated to protecting Los Angeles's four million residents and the millions more who visit, work and travel through this dynamic, vibrant, and diverse City every day. We do this through a robust community policing strategy that focuses on preventing crime through community partnerships, collaborative problem solving, and building public trust—essential components to reducing crime and protecting the public from harm. In addition, the LAPD is steadfastly committed to constitutional policing principles which require a reverence for, and strict adherence to, the law and Constitution.

The LAPD is neither responsible for, nor has the authority to, enforce federal civil immigration laws which are used to detain and remove undocumented immigrants from the United States. Therefore, the LAPD does not serve as a civil immigration enforcement agency for the federal government. Although in some cases, LAPD officers may arrest criminal suspects wanted for violating criminal provisions of federal immigration law, the Department does not take on the responsibility of performing immigration functions unrelated to investigating and enforcing violations of state and local criminal law.

## **Federal Immigration Authorities**

Federal agencies, such as U.S. Citizenship and Immigration Service (US-CIS), Customs and Border Protection (US-CBP), and Immigration and Customs Enforcement (US-ICE), are responsible for administering and enforcing federal civil and criminal immigration laws. These agencies, headquartered in Washington, D.C., are responsible for the administrative





functions of granting immigration status and removing individuals who are not in compliance with federal immigration laws and regulations. In addition, US-CBP and US-ICE investigate 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.

## **Laws and Policies**

The LAPD's role in immigration enforcement is defined by the policies and procedures adopted by the Mayor, City Council, and Los Angeles Board of Police Commissioners consistent with the limitations of federal, state, and local laws.

In recent years, the State of California and the City of Los Angeles have adopted new measures reinforcing long-standing practices of the Los Angeles Police Department regarding immigration enforcement. On January 1, 2018, California enacted the California Values Act (Senate Bill 54 and known as "SB 54"), which limits the involvement of local law enforcement agencies in federal immigration enforcement activities. These statewide restrictions mirror LAPD's established policies and practices, which prioritize building community trust and maintaining public safety through robust partnerships with all communities.

Building on these principles, the City of Los Angeles took additional steps to formalize its commitment. On December 9, 2024, Mayor Karen Bass signed Los Angeles City Ordinance No. 188441, adding chapter 19 to the Los Angeles Administrative Code (LAAC). The ordinance, titled "Prohibition of the use of City Resources for Federal Immigration Enforcement" prohibits the use of City personnel, facilities, or property for immigration enforcement purposes, except as required by law. This measure was enacted to ensure that City resources are directed toward maintaining the safety and well-being of all residents, fostering trust between City government and the diverse communities it serves.



## **Frequently Asked Questions**

The following Frequently Asked Questions are designed to provide useful information regarding the LAPD's role in immigration enforcement based on existing Department policies and practices; federal, state and local laws; the California Values Act; and LAAC Section 19.191.

### **1. Does the LAPD arrest individuals for or otherwise enforce federal civil immigration violations?**

No. Under federal and state law, Department personnel are prohibited from investigating or arresting a person for civil immigration purposes.

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

No. Long-standing LAPD policy and current state law restricts officers from stopping, detaining, or questioning a person based solely on the person's suspected immigration status (See Question No. 7 for an explanation of "Special Order 40").

The LAPD adopted this policy over 45 years ago to ensure that immigrants are not afraid to contact the LAPD if they are victims of or witnesses to a crime. The policy affirms that the LAPD has an 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 violators of state and local laws accountable in a California court of law.

In addition, California state law now prohibits law enforcement personnel from investigating, interrogating, detaining, detecting, or arresting a person for civil immigration purposes (See Question No. 26 for an explanation of the "California Values Act"). Similarly, Section 19.191 of the Los Angeles Administrative Code prohibits City personnel from investigating, citing, arresting, holding, transferring, or detaining any person for the purposes of immigration enforcement, except as authorized under the California Values Act.



Department personnel are also prohibited from inquiring into an individual's civil immigration status except to provide victim services such as T or U Visa information or certifications, to investigate a criminal offense (e.g., sexual exploitation, human trafficking, involuntary servitude, extortion, etc.), or when otherwise required by 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 U.S. under federal immigration laws. For example, 8 U.S.C. § 1325 makes it a federal misdemeanor crime to improperly enter the U.S. at a time, place, or manner other than as designated by immigration authorities. In addition, it is a felony under 8 U.S.C. § 1326 for a person to enter or be present in the U.S. without permission of the U.S. Attorney General after having previously been denied admission, excluded, deported, or removed. Federal immigration authorities have the primary responsibility to investigate and enforce these and other criminal immigration offenses.

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

Yes. If, during an unrelated law enforcement contact, an LAPD officer learns that a suspect has a criminal arrest warrant issued by a federal judge 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 and arrest the suspect pursuant to the warrant. Once the suspect is taken into custody, the LAPD will transfer the suspect to federal authorities to appear before a federal judge.



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

No. State law authorizes a police officer to make a warrantless arrest for a misdemeanor offense only if the crime occurred in the officer's presence, with limited exceptions for specified crimes. Under federal law, the crime of improperly entering into the United States is completed upon entry. Therefore, a police officer must witness the improper entry in order to make a warrantless arrest. LAPD policy is consistent with these legal restrictions and prohibits an officer from making a warrantless arrest for the misdemeanor violation of improper entry.

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

While conducting law enforcement activities unrelated to immigration enforcement (see Question No. 2), LAPD officers may receive a National Crime Information Center (NCIC) Immigration Violator's Record stating that a person may have illegally re-entered the U.S. after having been convicted of an "aggravated felony" as defined by federal statute, a violation of 8 U.S.C. § 1326(a)(b)(2) (Illegal Re-entry after Conviction of an Aggravated Felony). LAPD officers are permitted to detain such an individual for a reasonable period not to exceed four hours to determine if the prior felony conviction is a "serious or violent felony" under state law. A list of "serious" and "violent" felonies under California law are attached to this FAQ.

If officers confirm that the detained individual has a prior "serious or violent felony" conviction, officers must obtain approval from the Department Immigration Affairs Liaison (DIAL), a Command or Staff officer of Police, to arrest or transfer the individual to federal authorities (See Question No. 13 regarding notifying US-ICE).

If, during their investigation, officers determine there is no longer reasonable suspicion to believe the individual violated 8 U.S.C. § 1326(a)(b)(2) with a prior "serious or violent felony" conviction, officers shall immediately release





the individual from custody unless another lawful basis exists to detain or arrest the individual for a non-immigration local, state, or federal criminal offense.

## **7. What is "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 officer from initiating a police action with the objective of discovering a person's immigration status. Special Order 40 also prohibits an officer from arresting a person for the misdemeanor offense of improperly entering the U.S. in violation of 8 U.S.C. § 1325. Both prohibitions are consistent with state and federal law and remain in effect today.

## **8. Does 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 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 LAPD interview arrestees to determine their immigration status?**

No. The LAPD does not interview arrestees to determine their immigration status. Under state law, Department personnel are prohibited from investigating or interrogating a person for civil immigration purposes. Department personnel are also prohibited from inquiring into an individual's civil immigration status except to provide victim services such as T or U Visa information or certifications, to investigate a criminal offense (e.g., sexual exploitation, human trafficking, involuntary servitude, extortion, etc.) or when otherwise required by law.





## **10. Does the LAPD ask individuals for their place of birth?**

When an officer asks about a person's place of birth, some members of the immigrant community may mistakenly believe the officer is asking the question to determine the person's immigration status. To minimize the potential misperception and possible degradation of public trust, LAPD officers no longer ask victims, witnesses, or temporarily-detained individuals for their place of birth unless necessary under the particular circumstances to investigate a criminal offense.

The Department's Field Interview Report (FI card) has been redesigned and the "Birthplace" field removed so officers do not ask or record the birthplace of victims, witnesses, or temporarily-detained individuals unless an exception applies.

An officer, however, may ask for and record an individual's place of birth if the person is arrested for a criminal offense. This is required to process the arrestee for a criminal offense, comply with consular notification requirements, investigate a crime, or otherwise comply with the law.

## **11. Does the LAPD notify US-ICE that they have arrested someone who may be in violation of civil immigration laws?**

Pursuant to federal law, Department personnel are not prohibited from, or in any way restricted from, sending, or receiving information regarding the citizenship or immigration status, lawful or unlawful, of any individual to the U.S. Department of Homeland Security (DHS) or US-ICE (see 8 U.S.C. § 1373).

State law, however, prohibits Department personnel from interrogating or interviewing a person regarding their immigration status. Therefore, LAPD employees are generally unaware of a person's immigration status and do not have an obligation to personally contact US-ICE.

Federal authorities may become aware of a person who, according to US-ICE, is undocumented when the person is arrested and processed into an LAPD detention facility when the individual's fingerprints and other



identifiers are submitted to the FBI as part of the booking process, or otherwise pursuant to 8 U.S.C. § 1373 (See Question No. 19 regarding how US-ICE may learn of someone in LAPD custody).

**12. Does the LAPD notify U.S. Immigration and Customs Enforcement (US-ICE) if a suspect or arrestee in LAPD custody has an immigration-related criminal arrest warrant?**

Yes. If an LAPD officer discovers that a suspect or arrestee is the subject of an outstanding criminal arrest warrant issued by a federal judge for a violation of federal immigration law, the Department will notify U.S. Immigration and Customs Enforcement or the originating federal agency. If federal authorities confirm that they will assume custody, the arrestee will be transferred to federal custody pursuant to the judicial warrant.

**13. Does the LAPD notify US-ICE if a suspect or arrestee does not have a warrant but there is probable cause to believe that the person may have illegally re-entered the U.S. in violation of 8 U.S.C. § 1326, a felony?**

In limited circumstances, LAPD officers are permitted to detain an individual when they have reasonable suspicion that the individual illegally re-entered the U.S. with a prior aggravated felony conviction in violation of 8 U.S.C. § 1326(a)(b)(2) (Illegal Re-entry after Conviction of an Aggravated Felony). If the officer determines that the prior conviction is a "serious or violent felony" as defined by state law and obtains approval by the Department Immigration Affairs Liaison (DIAL), the officer may notify US-ICE, arrest the individual based on probable cause, and transfer custody of the arrestee to federal authorities (Also see Question No. 6).

**14. Does the LAPD allow US-ICE personnel to interview arrestees at LAPD jail facilities?**

No. Los Angeles Administrative Code Sections 19.191(d) and 19.191(e) prohibit immigration agents from accessing non-public areas of jail facilities or interviewing individuals in custody for the purpose of immigration enforcement.



## **15. Does the LAPD maintain records that reflect the immigration status of an arrestee, witness, or victim?**

The LAPD neither requests nor records the citizenship or immigration status of individuals unless necessary to provide services such as T or U Visa information and certification, to investigate a criminal offense (e.g., sexual exploitation, trafficking, involuntary servitude, extortion, etc.), for consular notification purposes, or as otherwise required or permitted by state or federal law.

## **16. What is an "Immigration Detainer Request?"**

When DHS becomes aware that someone in LAPD's custody may be in violation of federal civil immigration laws, US-ICE may transmit an "Immigration Detainer – Notice of Action" form to the LAPD. This form asks a local agency to voluntarily hold an arrestee in jail for an additional 48 hours after the arrestee would otherwise be released so US-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.

## **17. Does the LAPD extend an arrestee's time in jail based solely on an Immigration Detainer Request?**

No. Under state law, Department personnel are prohibited from detaining an individual based on a "hold" or Immigration Detainer Request. Additionally, federal courts have also 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 an Immigration Detainer Request violates the Fourth Amendment of the U.S. Constitution.



**18. Will the LAPD 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, the LAPD will not extend an arrestee's time in custody based on an Immigration Detainer Request accompanied with either document. The LAPD requires a judicial probable cause determination or judicial warrant authorizing an officer to arrest and take into custody the individual for a federal criminal immigration offense or other crime.

**19. How does DHS and US-ICE know that LAPD has someone in custody if LAPD does not notify them?**

While the LAPD does not investigate whether an arrestee has violated civil immigration laws, when an arrestee is booked in an LAPD facility, their fingerprints are transmitted to the FBI to confirm the arrestee's identity and obtain their criminal history. The DHS and US-ICE have access to the FBI's database and, therefore, may learn that the individual has been taken into LAPD custody (Also see Question No. 11).

**20. Does the LAPD transfer arrestees to US-ICE personnel for civil immigration violations?**

No. The LAPD does not transfer arrestees to ICE custody for civil immigration violations. However, once an arrestee is released from an LAPD jail facility, US-ICE personnel may take that person into custody when the person is in a public space.





## **21. What is the "287(g)" Program?**

The DHS's "287(g) Program" refers to Section 287(g) of the Immigration and Nationality Act which allows US-ICE to delegate its authority to local police agencies that volunteer to take on civil immigration enforcement responsibilities. Participation in the 287(g) program is prohibited under state law. Therefore, the LAPD has not obtained any civil immigration enforcement authority through this, or any other, federal program.

## **22. Does the LAPD assist US-ICE with civil immigration enforcement operations in Los Angeles?**

No. LAPD officers do not participate in or assist US-ICE personnel during civil immigration enforcement operations. LAPD officers, however, will respond to the location of an immigration operation if there is an emergency, such as a crime in progress or a request for emergency medical assistance.

## **23. Does the LAPD work with US-ICE on criminal investigations unrelated to immigration?**

Yes. The LAPD works closely with US-ICE Special Agents to investigate state and federal criminal offenses such as narcotics trafficking, intellectual property theft, human trafficking, child exploitation, and terrorism. Additionally, LAPD officers are assigned to federal task forces supported by US-ICE to investigate criminal networks and prosecute criminal offenders. Department 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.

LAPD task force officers are prohibited from participating in any civil immigration enforcement-related operations and must comply with LAPD policies and state law.



Department personnel may also 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 execution of the operation will not involve civil immigration enforcement by any participant, a tactical or operational plan identifies all agencies involved in the joint operation.

## **24. Does the LAPD have any "Sanctuary City" policies?**

"Sanctuary City" or "Sanctuary City Policies" are not terms used by the LAPD and are not defined under federal, state, or local law. However, generally speaking, some jurisdictions declare themselves as a "sanctuary jurisdiction" while others may be viewed as a "sanctuary jurisdiction" based on the perception that they may limit their cooperation with federal authorities and/or do not participate in the enforcement of federal immigration law.

The LAPD's policies and procedures regarding immigration enforcement comply with local, state, and federal laws and are designed to promote the Department's commitment to constitutional policing and public safety.

## **25. What is the California Values Act (SB 54)?**

The California Values Act, commonly referred to as SB 54, is a state law that established restrictions and guidelines on how California law enforcement agencies may cooperate with federal immigration authorities or otherwise participate in actions related to immigration enforcement. The new restrictions, which became effective January 1, 2018, are consistent with long-standing LAPD policies and practices which have successfully promoted strong community partnerships and a safer City for everyone.

The LAPD's policies and procedures regarding immigration enforcement comply fully with the California Values Act and all other federal, state, and local laws.



## **APPENDIX**

### **Serious Felonies (Cal. Penal Code § 1192.7(c))**

Murder or voluntary manslaughter
Mayhem
Rape
Sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person
Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person
Lewd or lascivious act on a child under 14 years of age
Any felony punishable by death or imprisonment in the state prison for life
Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm
Attempted murder
Assault with intent to commit rape or robbery
Assault with a deadly weapon or instrument on a peace officer
Assault by a life prisoner on a non-inmate
Assault with a deadly weapon by an inmate
Arson
Exploding a destructive device or any explosive with intent to injure
Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem



Exploding a destructive device or any explosive with intent to murder
Any burglary of the first degree
Robbery or bank robbery
Kidnapping
Holding of a hostage by a person confined in a state prison
Attempt to commit a felony punishable by death or imprisonment in the state prison for life
Any felony in which the defendant personally used a dangerous or deadly weapon
Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code
Any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person
Grand theft involving a firearm
Carjacking
Any felony offense, which would also constitute a felony violation of Section 186.22
Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220
Throwing acid or flammable substances, in violation of Section 244





Assault with a deadly weapon, firearm, machine gun, assault weapon, or semi-automatic firearm or assault on a peace officer or firefighter, in violation of Section 245
Assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5
Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246
Commission of rape or sexual penetration in concert with another person, in violation of Section 264.1
Continuous sexual abuse of a child, in violation of Section 288.5
Shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100
Intimidation of victims or witnesses, in violation of Section 136.1
Criminal threats, in violation of Section 422
Any attempt to commit a crime listed in this subdivision other than an assault
Any violation of Section 12022.53
A violation of subdivision (b) or (c) of Section 11418
Any conspiracy to commit an offense described in this subdivision.



## **Violent Felonies (Cal. Penal Code § 667.5(c))**

Murder or voluntary manslaughter
Mayhem
Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of former Section 262.
Sodomy as defined in subdivision (c) or (d) of Section 286
Oral copulation as defined in subdivision (c) or (d) of Section 288a
Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288
Any felony punishable by death or imprisonment in the state prison for life
Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55
Any robbery
Arson, in violation of subdivision (a) or (b) of Section 451
Sexual penetration as defined in subdivision (a) or (j) of Section 289
Attempted murder
A violation of Section 18745, 18750, or 18755
Kidnapping
Assault with the intent to commit a specified felony, in violation of Section 220



Continuous sexual abuse of a child, in violation of Section 288.5
Carjacking, as defined in subdivision (a) of Section 215
Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1
Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22
Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22
Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary
Any violation of Section 12022.53
A violation of subdivision (b) or (c) of Section 11418
Rape as defined in paragraph (3) of subdivision (a) of Section 261, wherein it is pleaded and proved that the defendant caused the intoxication by administering a controlled substance to the victim without their consent and with the intent to sexually assault the victim.







Community Policing and Immigration: A Guide to LAPD's Policies

LOS ANGELES POLICE DEPARTMENT