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	CARGO/INDUSTRIAL REAL ESTATE
	CARGO MARKETING
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	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	
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	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.

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#### **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).

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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.

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(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.