

**SPECIAL ORDER  
FEDERAL IMMIGRATION ENFORCEMENT**

Effective May 23, 2018

Effective immediately, this Special Order establishes policy regarding certain assistance with federal immigration enforcement. The Long Beach Police Department (LBPD) complies with all federal and state law, and local policy, pertaining to the enforcement of federal civil immigration law.

**CIVIL IMMIGRATION WARRANTS**

LBPD does not make or intentionally participate in arrests based on civil immigration warrants, and department personnel shall not detain an individual in response to a hold request or “administrative warrant/detainer” issued by Immigration and Customs Enforcement (ICE).

**INQUIRIES INTO PLACE OF BIRTH, CITIZENSHIP, AND/OR IMMIGRATION STATUS**

LBPD personnel shall not inquire into an individual’s place of birth, citizenship, or immigration status unless: necessary to advance a criminal investigation, process an arrestee for a criminal offense, or for other law enforcement or employment purposes unrelated to immigration enforcement; necessary to provide services to victims of certain crimes (U visa) or victims of human trafficking (T visa); or when otherwise required by law, or in accordance with existing City regulations.

**DISCLOSING RELEASE DATES AND OTHER INFORMATION UPON REQUEST**

LBPD personnel shall not disclose release dates/times and other information, unless: the information is publicly available; the individual to which the information pertains is subject to the qualifying conditions of Government Code Section 7282.5(a); the individual to which the information pertains has been arrested and taken before a magistrate judge for a serious or violent felony (Sections 1192.7(c) or 667.5(c) of the California Penal Code), or a felony punishable by imprisonment, in which the magistrate makes a probable cause determination for the charge; the information concerns an individual’s criminal history information obtained through CLETS and its release is permitted by state law; or when otherwise required by law, or in accordance with existing City regulations.

**TRANSFER REQUESTS**

LBPD shall not respond to transfer requests without a signed judicial warrant or judicial probable cause determination, or when the individual in custody meets any one of the conditions set forth in Government Code section 7282.5(a):

- *Convicted at any time of a serious or violent felony (defined in 1192.7(c), or 667.5(c) of the California Penal Code).*
- *Convicted at any time of a felony that is presently punishable by imprisonment in state prison.*
- *Convicted within the past 15 years of a felony listed in Government Code section 7282.5(a)(3) or within the past 5 years of a wobbler (a crime punishable as either a felony or a misdemeanor) listed in Government Code section 7282.5(a)(3).*
- *An individual that is currently on the California Sex and Arson Registry.*
- *An individual has been convicted of specified federal aggravated felonies identified in Section 1101(a)(43)(A)-(P) of Title 8 of the United States Code.*
- *An individual identified by ICE as the subject of an outstanding federal felony arrest warrant for any federal crime.*

### **UNLAWFUL RE-ENTRY (Section 1326 of Title 8 of the United States Code)**

If in the course of unrelated law enforcement activities, officers encounter individuals that have unlawfully re-entered the U.S. after having been convicted of an “aggravated felony” as defined by federal statute, officers are permitted to detain such individual for a reasonable period of time, or otherwise investigate or arrest such individual, pending notification to and approval from the on-duty **Watch Commander**.

### **USE OF PD FACILITIES BY ICE FOR IMMIGRATION ENFORCEMENT ACTIVITIES**

The LBPD shall comply with state law and may only allow ICE to use PD facilities in accordance with the **California TRUTH Act** (Government Code Sections 7283, 7283.1, and 7283.2). ICE personnel are not housed within any LBPD facilities and must make interview requests on an individual basis.

### **PARTICIPATION IN JOINT LAW ENFORCEMENT TASK FORCE**

LBPD participates in joint task forces (e.g., Port of Long Beach) to investigate criminal offenses such as terrorism, human trafficking, narcotics trafficking, and organized crime. LBPD complies with state law and does not participate in operations in which the primary purpose of the joint task force is, and/or LBPD’s duties are primarily related to civil immigration enforcement. This does not preclude officers from assisting any law enforcement official where the safety of the public or a law enforcement officer, including an immigration officer, is in danger. LBPD shall comply with all state and local reporting requirements regarding ongoing support or participation in a task force.

**PARTICIPATION IN THE 287(G) PROGRAM**

The Department of Homeland Security (DHS) 287(g) program refers to an ICE initiative which allows a state or local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement (MOA), in order to receive delegated authority for immigration enforcement within their jurisdictions. The Long Beach Police Department **does not** participate in the 287(G) program.

Prior to responding to a specific request by ICE for law enforcement support services, such as traffic control or peacekeeping efforts, during a federal operation, officers shall receive approval from the Watch Commander. In the event of an immediate threat to public safety, such approval is not required.

This Special Order does not prohibit or restrict compliance with Sections 1373 and 1644 of Title 8 of the United States Code, which governs exchanging immigration status information with any other federal, state, or local government entity.

This order will remain in effect until a specific manual section has been approved.