



FOR IMMEDIATE RELEASE

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Zine Statement on New Special Order 40 Training

(Los Angeles) – As part of my longstanding commitment to public safety, I have worked over the past nine months to give the Los Angeles Police Department additional tools to combat criminal gang members. Last April, I introduced a Council motion asking LAPD to modify its immigration policy known as Special Order 40. This policy prevents officers from questioning people solely to determine their immigration status or arresting them only for violations of immigration law.

My proposal called for amendments to Special Order 40 to require that LAPD officers notify federal Immigration and Customs Enforcement (ICE) authorities of known gang members who are in this country illegally. The motion also affirmed that LAPD has a responsibility and duty to turn over criminals who are illegal immigrants to ICE.

Last October, my motion received a hearing in the Public Safety Committee. I invited former LAPD Chief Daryl Gates to that meeting to discuss the original intent of Special Order 40, which he authored in the late 1970s. Through his testimony and that of current LAPD officials, many common misunderstandings about the Department's policy were brought to light.

The truth is that Special Order 40 does allow Los Angeles Police Officers to inquire about immigration status if a crime has been committed. The order does not prevent officers from arresting a violent suspect or calling in federal agents to investigate a person they believe illegally reentered the U.S. after deportation. In fact, Department policy outlines how officers should work with ICE to enforce federal immigration warrants.

At that October hearing, LAPD representatives testified that all officers would be re-trained to clarify that Special Order 40 does not prohibit them from obtaining the type of information I called for in my motion. Department officials further stated that they would report back to the City Council in January with the details of their new training procedures.

I am pleased to announce that LAPD has indeed issued new training documents regarding Special Order 40. However, we have reached the end of January and the Chairman of the Public Safety Committee still has not allowed this critical issue to receive a follow-up hearing. The Department's modified training can only be successful if it is fully and openly discussed with the general public. That is why I feel I must share this information now.

I have posted the updated LAPD lesson plan on my website at www.lacity.org/cd3 under "Recent News." I also intend to introduce a Council motion next week requesting quarterly reports on the progress of personnel training and specific numbers of individuals reported and transferred to ICE. I am confident that these modifications, along with improved oversight, will strengthen officers' ability to protect and to serve all of us in the City of Los Angeles.

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STANDARDIZED ROLL CALL TRAINING PROGRAM
Deployment Period 10-08

LESSON PLAN

TOPIC: Human Relations
SUBJECT: Undocumented Alien Status
PREPARED BY: Incident Management and Training Bureau (213) 485-5241
Date Prepared: 8/08
REFERENCES: Department Manual Sections, 1/390, 4/264.50
Special Order 40, 1979

POLICY

It is the policy of the Los Angeles Police Department that undocumented alien status in itself **IS NOT A MATTER FOR POLICE ACTION**. The Department will provide special assistance to persons, groups, communities and businesses who, by the nature of the crimes being committed upon them, require individual services.

Police service will be readily available to all persons, including undocumented aliens, 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.

Therefore, officers shall not detain or arrest an individual based solely on the suspected undocumented alien status.

PERFORMANCE OBJECTIVE

Officers will know the lawful course of action, consistent with Department policy, to take during field contacts regarding undocumented alien status.

SCENARIO

During a robbery in progress call, officers detain a suspect. During the course of the investigation, the victim reveals that she is an undocumented alien and fearful of cooperating with the investigation.

DISCUSSION

How should the officers proceed with the victim?

Officers must explain to the victim that her alien status is not a matter for police action. She has all the rights afforded to any victim of a crime, regardless of her undocumented alien status.

Historically, undocumented aliens have been more vulnerable to victimization; therefore, the Department must ensure those who ask for assistance or come forward with information do not fear deportation. With the participation and involvement of the undocumented alien community in police activities, the Department will be able to better serve the entire community. The intent of the Department's policy on undocumented alien status is to reassure victims, witnesses and other non-arrestees that they should not fear contacts with the police department.

If during the course of the investigation it becomes known that the detained robbery suspect is the subject of an active ICE want or warrant, what course of action should officers take?

The officers shall arrest the individual for the open charge and transport to the station. Once at the station, officers shall attempt to positively identify that the suspect is actually the individual named on the want or warrant. Officers should contact Detective Information Desk (DID) to request Immigration and Customs Enforcement (ICE) notification. DID will contact ICE and verify that the want or warrant for the suspect is still active and confirm that ICE will be involved.

Officers should advise the Watch Commander and ensure all information is contained in the arrest report including the name of the detective notified at DID and the information obtained from ICE. Once the suspect is booked into the jail, the officers print "UNDOCUMENTED ALIEN" at the top of the arrest face sheet. Upon approval of the arrest report, the officers will fax a copy of the arrest report to DID.

FREQUENTLY ASK QUESTIONS

If an officer has a legal right to detain an individual, and the officer discovers during the course of the investigation that the individual in question has an active ICE want or warrant, what course of action should the officer take?

If an officer has a legal right to detain an individual for criminal activity, and during the legal detention obtains information that the individual detained has an active ICE want or warrant for violation of INA 276 (b), or a deportation notice, the officer must attempt to positively identify that the individual detained is the person named on the want or warrant, transport the detainee to the station and contact DID who will notify ICE. Once DID advises the officers that the want/warrant is still active and ICE will take custody of the suspect, officers should book the suspect on the ICE want/warrant. If ICE determines they will not take custody of the individual, officers should immediately release him/her.

If officers see an individual whom they believe has been previously deported following a conviction for a serious crime (under the authority of 276(b) INA), however, an NCIC check reveals there is no active want or warrant, how should officers proceed?

The officers should contact the watch commander who will contact ICE via DID to verify that ICE wants to take the suspect into custody. If the officers have reasonable suspicion to detain the individual, they should conduct an investigation and obtain the basic Field Interview Report information including: name, date of birth and local residence. Officers should contact DID with this information who will in turn notify ICE.

Does the LAPD have any responsibility regarding ICE once the arrestee is booked into a county detention facility or all charges are dismissed in court?

No, the Los Angeles County Jail conducts the appropriate interviews prior to the arrestee's release from custody.

What responsibility does an officer, supervisor or watch commander have in the event that ICE asks the Department to assist with an immigration raid?

Officers and field supervisors should immediately notify the watch commander of any such request unless it is an emergency situation that involves officer safety (e.g. foot pursuit, ICE involved officer involved shooting, ICE requests help, etc).

Generally, LAPD may only provide support on a perimeter as we currently provide for other outside agencies conducting official business within the City of Los Angeles. Again, officers and supervisors in the field should notify the watch commander of such requests prior to providing support. If there are any further requests officers must contact the commanding officer of Detective Bureau for guidance.

In the event of "Coyote" type incidents, when an undocumented alien(s) are being held for ransom, what Department handles such investigations?

When circumstances surface that indicate human smuggling may be the involved crime, Robbery Homicide Division (RHD) should be immediately contacted for advice. In the event the incident occurs during off hours, contact Real-time Analysis and Critical Response (RACR) Division who will contact the on-call detective from RHD.

Does the Department's policy on undocumented aliens prohibit an officer or detective from contacting ICE?

No, the policy is meant to reassure the immigrant population that the Department does not routinely concern itself with the alien status of individuals. However, when it is appropriate to enhance community safety, officers and detectives may contact ICE regarding violent criminal suspects who are suspected of being aliens. It is important to

remember that both documented and undocumented aliens who commit serious crimes may be deported by the United States Government.

To protect themselves from accusations that officers or detectives acted improperly during an investigation they should notify a supervisor prior to contacting ICE, or contact ICE through DID.

CONCLUSION

Officers are reminded that the LAPD shall not initiate police action with the objective of discovering the alien status of a person. Officers shall neither arrest nor book persons for violation of Title 8, Section 1325 of the United States Immigration Code (Illegal Entry). If an officer, detective or supervisor is assigned to a specialized detail during targeted investigations regarding individuals who are a danger to the community as a result of their criminal behavior, they should be guided by the advice of their commanding officer. If officers, detectives or supervisors have questions regarding immigrant issues, they should contact DID at (213) 485-2505 and be guided by their direction.