

Contra Costa County Office of the Sheriff General Policy and Procedure	CCCSO	NUMBER: 1.02.28
	RELATED ORDERS: AB 4 (Trust Act), Gov't. Code 7282, 7282.5 8 CFR 287.7	
ISSUE DATE: 12-3-2013 REVISION DATE: 5-15-2014	CLEARANCE: Office of the Sheriff	
CHAPTER: Law Enforcement Role and Authority	SUBJECT: IMMIGRATION STATUS	

I. POLICY.

- A. No person shall be contacted, detained, or arrested solely on the basis of his or her immigration status.
- B. The Contra Costa County Office of the Sheriff will equally enforce the laws and serve the public without regard to immigration status. Except as specifically set forth in this Policy, the immigration status of a person, and the lack of immigration documentation, should have no bearing on the manner in which Deputies execute their duties.

II. GENERAL.

- A. **IMMIGRATION ENFORCEMENT JURISDICTION.** The U.S. Department of Homeland Security's Immigration and Customs Enforcement agency (ICE) has primary responsibility to investigate and enforce federal immigration laws. Office of the Sheriff personnel may assist ICE in the enforcement of federal immigration laws upon its specific request and in those situations where ICE-initiated investigations have led to the discovery of criminal violations of California law. Assistance to ICE will also be provided in response to officer safety issues.
- B. **LAW ENFORCEMENT CONTACTS.** Contacts (whether consensual or not), detentions, and arrests shall be based on reasonable suspicion or probable cause. A Deputy may never initiate any law enforcement action based solely on observations relating to immigration status (such as lack of documentation), but such issues may, as part of several factors, be relevant to the direction and analysis of an investigation.

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III. PROCEDURES.

A. IMMIGRATION VIOLATION COMPLAINTS.

1. If members of the public contact the Office of the Sheriff to report suspected immigration violations, such persons should be directed to ICE.

B. IMMIGRATION STATUS.

1. A Deputy's suspicion about any person's immigration status shall not be used as a sole basis to initiate contact, detain, or arrest that person unless such status is reasonably relevant to the investigation of a crime, such as trafficking, smuggling, harboring, and terrorism.
2. Sweeps intended solely to locate and detain undocumented immigrants are not permitted. Deputies will not participate in ICE-organized sweeps to locate and detain undocumented aliens. Office of the Sheriff personnel may, however, provide support services, including traffic control, during an ICE operation, upon the specific request of ICE for assistance.

C. ESTABLISHING IDENTITY.

1. Deputies should attempt to identify any person whom they detain or arrest.
2. Any person who would be cited and released, but who is unable to present satisfactory evidence of his or her identity, will be detained for the purpose of establishing his or her identity.
3. A person taken into custody pursuant to CVC 40302(a) may be detained for no more than two hours regardless of whether his or her identity has been verified pursuant to CVC 40307.

D. NOTIFICATION TO ICE OF IMMIGRATION VIOLATIONS.

1. Generally, Custody Deputies will not notify ICE of the immigration status of inmates.
2. Generally, Patrol Deputies will not notify ICE of the immigration status of arrestees, except notification to ICE will be made:
 - a. If a Deputy has cause to believe that a person arrested for (a) any felony or (b) any violation listed in H&S section 11369, is (i) not a citizen of the United States, and (ii) such person will not be transported to the MDF for booking (i.e., transport to hospital).

E. WITNESSES AND VICTIMS.

1. Undocumented immigrants must feel secure that contacting the Office of the Sheriff will not put them at risk of deportation. The

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immigration status of crime victims or witnesses should not be probed.

2. U-Visa Nonimmigrant Status. Federal law grants immigration benefits to victims of qualifying crimes who have been helpful to the investigation and/or prosecution of the case. A law enforcement certification is prepared and issued by the Administrative Lieutenant.

F. ICE IMMIGRATION DETAINEES. The Office of the Sheriff regularly receives Immigration Detainer requests (Form I-247) from ICE. These detainer requests will *not* be honored.

1. WARRANTS. Detainers and warrants are entirely separate and should not be confused with Detainer requests. Duly issued warrants will in all cases be honored.

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