

ATTACHMENT B

(Proposed) **Pasadena Police Department**
Immigration Status and Bias-Free Policing Policy

Purposes

The City of Pasadena (“the City”) is home to people from all walks of life, of different races, religions, sexual orientations, and national and ethnic origins. The Department values and celebrates this diversity, which makes our community strong and vibrant.

A relationship of trust between the Pasadena Police Department (“the Department”) and the City’s residents, regardless of race, religion, sexual orientation, national origin, ethnicity, or immigration status, is essential for accomplishing core Department functions, including protecting the safety and civil and human rights of all residents.

The enforcement of federal immigration law falls exclusively within the authority of the federal government. The Department will not engage in law enforcement activities based solely on someone’s immigration status. The Department does not work together with federal immigration authorities, including the Department of Homeland Security’s immigration enforcement agency Immigration and Customs Enforcement (“ICE”) on deportation efforts. That is not the job of the Pasadena Police Department.

The Department’s commitment to equal enforcement of the law and equal service to the public regardless of immigration status increases the Department’s effectiveness in protecting and serving the entire Pasadena community. All individuals, regardless of immigration status, should feel secure that contacting law enforcement will not make them vulnerable to harassment, arrest, or deportation.

Voluntary assistance in the enforcement of federal civil immigration law would drain already-limited Department resources; detract from the Department’s core mission to create safe communities; and make it difficult to maintain trust between the Department and the City’s residents, thereby threatening the safety and well-being of City residents.

Assistance in the enforcement of immigration law could also lead to profiling based on race, ethnicity, and national origin in violation of the United States and California Constitutions and state and federal anti-discrimination laws.

The City of Pasadena recognizes the United States Supreme Court’s

pronouncement in *Arizona v. United States v. Arizona*, 132 S. Ct. 2492 (2012), that removal is a civil matter and that state officers generally may not arrest immigrants based solely on possible removability. Moreover, there is a growing public policy in the State of California to disentangle ICE deportation programs from local law enforcement agencies and to increase the transparency and accountability of immigration enforcement in the state.

Policy

1. The Department is committed to equal enforcement of the law and equal service to the public regardless of race, nationality, ethnicity, or immigration status.
2. The Department is committed to bias-free policing.
3. The immigration status of individuals is not a matter for police action.
4. The Department shall investigate criminal activity without regard to an individual's actual or perceived immigration status.
5. The enforcement of civil and criminal federal immigration laws falls exclusively within the authority of the federal government.
6. The Department shall not initiate police action with the objective of discovering an individual's immigration status.
7. The Department shall not attempt to determine the immigration status of crime victims, witnesses, suspects, or arrestees unless necessary to perform Department duties or required by law.
8. The Department shall not conduct or participate in efforts to enforce federal immigration law. The Department shall not undertake joint efforts or investigations with federal, state or local law enforcement agencies, to investigate, detain or arrest individuals for violations of federal immigration law. The Department shall terminate as soon as possible any contracts or memoranda of understanding with federal immigration authorities, including ICE, and shall not enter into any new such contracts or memoranda of understanding. To the maximum extent permitted by law, the Department shall not have contact with federal immigration authorities. The Department shall work with other federal, state, and local law enforcement agencies to attempt to obtain agreements, memoranda of understandings, or other arrangements that minimize residents exposure to federal immigration enforcement.

9. The Department shall not investigate, detain, arrest, or book an individual for violations of federal criminal immigration law, including Title 8, Sections 1304, 1325 or 1326 of the United States Immigration Code.
10. The Department shall not permit any collateral arrests for immigration enforcement purposes in connection with Department operations.

Procedure

1. Protection of Sensitive Information.

- A. No Department officer, employee or agent shall request citizenship or immigration status information about any individual unless necessary to perform Department duties or required by law.
- B. Where citizenship or immigration status information is collected, Department officers, employees or agents may use and disseminate the information only to the extent necessary to accomplish the Department duties for which the information was requested or maintained, or where required by law.
- C. This section shall not prevent the Department from responding to a request for assistance from residents to obtain a benefit under federal immigration law, such as 8 U.S.C. § 1101(a)(15)(U), 8 U.S.C. § 1101(a)(15)(T)

2. Immigration Enforcement.

- A. In connection with the Department's commitment to bias-free policing, no Department monies, facilities, property, equipment or personnel shall be used for immigration enforcement, including but not limited to:
 - I. Identifying, investigating, arresting, detaining or assisting in the identification, investigation, arrest or detention of any person on the basis of a suspected violation of immigration law;
 - ii. Responding to any civil immigration warrant or request, for immigration purposes, to detain or notify federal authorities about the release of any individual;

- iii. Making individuals in Department custody available to federal immigration authorities for interviews for immigration purposes; and
 - iv. Providing federal authorities with non-publicly available information about any individual for immigration purposes, including by providing access to Department databases, except where required by state or federal law.
- B. Nothing in this section shall prevent the City from responding to a lawfully-issued judicial criminal warrant, or court order issued by a federal or state judge.

3. Training and Oversight.

- A. The Department shall develop training protocols to implement this policy.
- B. The Department shall document in writing all contacts with federal immigration authorities. This includes all phone calls, all emails, all requests to use money, facilities, property, equipment, personnel, or databases, or to receive non-publicly available information about any individual. The documenting shall include the time and date of contact, the identities of the Department officer and immigration officials, and the specific purpose and outcome of the contact. This written record shall be considered a public record pursuant to the California Public Records Act ("CPRA") that is exempt from any exception to the CPRA to the maximum extent permitted by law.
- C. The City's Internal Auditor shall conduct regular and periodic audits of all contacts with federal immigration authorities and report his/her findings in writing to the City Manager and the City Council's Public Safety Committee.
- D. The Department shall create a new bias category of "immigration bias." The Department shall investigate and resolve complaints of immigration bias consistent with its biased policing protocols. The Department shall include its findings of "immigration bias" complaints in its reports to the City Council's Public Safety Committee.

Construction

This policy is to be construed in accordance with 8 U.S.C. § 1373(a) which provides “Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, [ICE] information regarding the citizenship or immigration status, lawful or unlawful, of any individual.”