

### Comparison Of Freedom Cities Initiative And Department Policy

ACLU 9 Points – Freedom Cities Initiative	Department Policy
<p>1. <i>The Judicial Warrant Rule:</i> Officials shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).</p>	<p>Officers will not detain or arrest any person on the basis of the person’s citizenship or status under civil immigration laws.</p> <p>Any detention by a member of this Department should be based upon the reasonable belief that an individual is involved in criminal activity, or where there is a valid judicial warrant.</p>
<p>2. <i>No Facilitation Rule:</i> Officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.</p>	<p>Officers will not detain or arrest any person on the basis of the person’s citizenship or status under civil immigration laws.</p> <p>Any detention by a member of this Department should be based upon the reasonable belief that an individual is involved in criminal activity, or where there is a valid judicial warrant.</p>
<p>3. <i>Defined Access/Interview Rule:</i> Unless acting pursuant to a court order or a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, no official shall permit ICE or CBP agents access to facilities or any person in custody for investigative interviews or other investigative purposes.</p>	<p>ICE personnel shall not be allowed access to individuals detained or held at the Department, unless their access is required in the course of a criminal investigation, pursuant to a judicial warrant, or while providing services unrelated to the enforcement of civil immigration law.</p>
<p>4. <i>Clear Identification Rule:</i> To the extent ICE or CBP has been granted access to facilities, individuals with whom ICE or CBP engages will be notified that they are speaking with ICE or CBP, and ICE or CBP agents shall be required to wear duty jackets and make their badges visible at all times while in facilities.</p>	<p>[A policy requiring an allied agency to comply with certain uniform specifications is not practical and is not enforceable. The provision above restricts ICE from having access to persons for civil immigration law enforcement.]</p>

ACLU 9 Points – Freedom Cities Initiative	Department Policy
<p>5. <i>Don't Ask Rule:</i> Officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by State or Federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.</p>	<p>Officers will not detain or question a person for the purpose of discovering either the person's citizenship or status under civil immigration laws.</p> <p>Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws.</p> <p>Generally, members of this department should not ask the immigration status of individuals taken into custody. [Inquiries may be made to comply with article 36 of the Vienna Convention on Consular Affairs.]</p>
<p>6. <i>Privacy Protection Rule:</i> No official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity, or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.</p>	<p>[Information, such as custody status, release date, and race is generally available to the public.]</p> <p>In compliance with State law, whenever an Officer has reason to believe that any person arrested for any offense listed in Health &amp; Safety Code § 11369 or any other felony may not be a citizen of the United States and the individual is not going to be booked into County jail, the arresting Officer shall cause ICE to be notified for consideration of an immigration hold. Generally, ICE notification of booked arrestees will be handled according to jail operations procedures.</p>

<b>ACLU 9 Points – Freedom Cities Initiative</b>	<b>Department Policy</b>
<p>7. <i>Discriminatory Surveillance Prohibition Rule:</i> No agency or official may engage in any surveillance that is based, to any extent or degree, upon a person or group’s actual or perceived religion, ethnicity, race, national origin, or immigration status, except where doing so is based on a reliable, specific description of a suspect and adheres to appropriate Constitutional standards.</p>	<p>Members of the Department will not initiate police action where the primary objective is to discover that the person is an undocumented immigrant or to discover the status of the person under civil immigration laws.</p> <p>Also, see No. 9 below.</p> <p>See also Policy 100 – Law Enforcement Authority</p> <p><b>CONSTITUTIONAL REQUIREMENTS</b></p> <p>All employees shall observe and comply with every person’s clearly established rights under the United States and California Constitutions.</p>
<p>8. <i>Redress Rule:</i> Any person who alleges a violation of this policy may file a written complaint for investigation with [oversight entity].</p>	<p>[Included in Policy 1020 – Personnel Complaint Procedure.]</p>
<p>9. <i>Fair and Impartial Policing Rule:</i> No official shall interrogate, arrest, detain, or take other law enforcement action against an individual based upon that individual’s perceived race, national origin, religion, language, or immigration status, unless such personal characteristics have been included in timely, relevant, credible information from a reliable source, linking a specific individual to a particular criminal event/activity.</p>	<p>The decision to detain or arrest shall be based upon those factors which establish reasonable suspicion and probable cause respectively, and not on arbitrary aspects. Race, nationality, ethnicity, country of origin, inability to speak English, “foreign” appearance, dress, mannerisms, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to contact, detain, or arrest.</p>