

PROPOSED LAPD POLICY MODERNIZING SPECIAL ORDER 40

SPECIAL ORDER

SUBJECT: IMMIGRATION STATUS AND BIAS-FREE POLICING

PURPOSE:

Los Angeles is home to millions of 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 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 the Department of Homeland Security on deportation efforts. That is not the job of the Los Angeles 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 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.

Since 1979, the Department has followed an existing policy, Special Order 40, concerning its engagement with the City's undocumented population. However, this policy has not been revised since it was established in 1979 and therefore does not reflect nearly four decades of important changes in law and practice, including:

- The growing intertwining of immigration enforcement with local criminal justice systems that has resulted in the deportations of hundreds of thousands of immigrants,

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many of whom are longtime residents of the state of California, with deep connections to their families and communities in our state.

- The Los Angeles Police Department's adoption of a pioneering community policing model that is harmed when immigrant residents are afraid of contacting the police to report a crime or cooperate with law enforcement due to a fear that any law enforcement contact could result in their deportation.
- The 2001 Report of the Rampart Independent Review Panel, following the now infamous 1990s LAPD Rampart Scandal, which recognized the harms that result from the Department's collaboration with federal immigration authorities and the need for revisions to Department policy and practice.
- The 2007 Los Angeles City Council resolution reaffirming Special Order 40 which recognized that promoting participation and involvement of the undocumented immigrant community in police activities increased the Department's ability to protect and serve the entire community.
- The United States Supreme Court's pronouncement in *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.
- The growing public policy of the state of California—as reflected in state laws such as the TRUTH Act and the TRUST Act—to disentangle ICE deportation programs from local law enforcement agencies and to increase the transparency and accountability of immigration enforcement in the state; and—as reflected in a recent state audit and the passage of AB 2298—to acknowledge and remedy the inaccuracies in California's shared gang databases and to prevent the unintended or inappropriate sharing of that information.
- Recent court decisions that have raised Constitutional concerns regarding the enforcement of immigration detainers.
- The recent resolution of the legislature of the state of California declaring that California opposes “mass deportation strategies that needlessly tear families apart, or target immigrants for deportation based on vague and unjustified criteria.”

POLICY:

- I. The Department is committed to equal enforcement of the law and equal service to the public regardless of race, nationality, ethnicity, or immigration status.
- II. The Department is committed to bias-free policing.
- III. The immigration status of individuals is not a matter for police action.

- IV. The Department shall investigate criminal activity without regard to an individual's actual or perceived immigration status.
- V. The enforcement of civil and criminal federal immigration laws falls exclusively within the authority of the federal government.
- VI. The Department shall not initiate police action with the objective of discovering an individual's immigration status.
- VII. 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.
- VIII. The Department shall not conduct or participate in efforts to enforce federal immigration law. The Department shall not undertake joint efforts with federal, state or local law enforcement agencies, to investigate, detain or arrest individuals for violations of federal immigration law.
- IX. 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.
- X. The Department shall not permit any collateral arrests for immigration enforcement purposes in connection with Department operations.

PROCEDURE:

I. Non-Collection of Immigration Status Information.

- A. No Department officer, employee or agent shall request citizenship or immigration status of any individual unless necessary to perform Department duties or required by law.
- B. 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).

II. 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:

1. 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;
 2. Responding to any civil immigration warrant or request, for immigration purposes, to detain or notify federal authorities about the release of any individual;
 3. Making individuals in Department custody available to federal immigration authorities for interviews for immigration purposes; and
 4. Providing federal authorities with non-publicly available information about any individual for immigration purposes, other than information regarding the individual's citizenship or immigration status, 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.

III. Training and Oversight.

- A. Training protocols shall be developed.
- B. The Department shall document in writing all requests from federal immigration authorities for assistance from the Department. This includes requests to use money, facilities, property, equipment, personnel, or databases, or to receive non-publicly available information about any individual. The recording 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, and should be readily available for audit and/or review by the Police Commission and the Office of the Inspector General.
- C. The Office of the Inspector General shall accept and review complaints from any entity or individual regarding violations of this Order. The Inspector General shall produce a public report every 90 days regarding complaints received, responses to complaints by County departments, agencies, commissions and employees, and Inspector General's efforts to investigate and resolve such complaints.
- D. The Inspector General shall conduct regular and periodic audits of all incidents involving violations of this order. This review will evaluate the quality of investigations and evaluate the veracity of their findings. The

Inspector General will report his/her findings in writing to the Police Commission.

- E. The Department shall create a new bias category of "immigration bias." The IAG, Professional Standards Bureau shall investigate and adjudicate complaints of immigration bias consistent with its biased policing protocols. The Internal Affairs Group shall include its findings of "immigration bias" complaints in its Biased Policing and Mediation Quarterly Report to the Board of Police Commissioners.

IV. 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."

RESPONSIBILITY:

February 10, 2017

Mayor Eric Garcetti
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

Dear Mayor Garcetti:

We, the undersigned, are community, civil rights, faith, activist, and labor organizations that represent and serve residents of the City of Los Angeles. We write to seek your partnership in meeting the challenge of protecting the city's most vulnerable populations in the face of threats by President Donald Trump.

We appreciate your statements at Los Angeles International Airport (LAX) on February 2, 2017, declaring Los Angeles to be a "city of sanctuary and refuge". We embrace strong, inclusive, and ethical leadership from our city's leaders – leadership that recognizes the urgent moral and economic imperative to resist and oppose the extremist and bigoted agenda of the Trump Administration, rather than to seek to work with a President whose policies and practices have already, and will continue to, inflict great injury on the residents and City of Los Angeles.

We are ready to roll up our sleeves to work with you to ensure that Los Angeles is a sanctuary for all residents, especially those who are being targeted by the new administration – Muslims, immigrants, refugees, LGBTQ people, Black communities, people of color, Jewish people, and women.

In the three weeks since the inauguration, President Donald Trump has made it clear that he is zealously advancing an agenda of hate, xenophobia, and Islamophobia by signing a series of inhumane and draconian executive orders that discriminate against and endanger immigrants, refugees, and Muslims. The earliest executive orders include a promise to build a border wall, unconstitutionally withhold federal funding to sanctuary cities, greatly increase the number of immigration enforcement officers and border patrol officers, resurrect the controversial Secure Communities program, create new deportation priorities, increase detention—including of children and families—at the border, suspend refugee resettlement, and effectively institute a Muslim ban. It is anticipated that the Trump administration will issue additional executive orders and policies that will harm LGBTQ people, Blacks, women, Jewish people, and other communities that President Trump targeted during his campaign.

We face a national and local crisis that requires our elected leaders to stand up with moral clarity, courage, and strength for the rights of all residents – especially those who are targeted by the

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Trump administration – and to follow through with concrete policies that will defend our communities and uphold our constitution and our values of liberty, equality, and justice for all. Seven hundred fifty thousand (750,000) Angelenos demonstrated in the streets during the Women’s March and thousands more protested at Los Angeles International Airport (LAX) to affirm the importance of these values and to oppose the Trump administration’s agenda of hate.

We cannot wait. The time to act is now.

We also appreciate the steps that you have taken to protect immigrants and refugees, including your leadership with the LA Justice Fund and Cities for Citizenship, your support of SB 54 (California Values Act), your efforts to assist refugees and detainees at LAX, and your statements about preserving Special Order 40.

Still, much more needs to be done immediately. Many of our organizations signed onto a letter on November 21, 2016, shortly after the election, asking for the City to take certain steps to protect the City’s residents, as well as our values. We never received a written response to that letter from the Mayor.

We urge you to further demonstrate the strong and moral leadership that the City of Los Angeles needs to assuage fears, foster unity, and ensure that we are well-equipped to defend our city from the new administration’s attacks in the months and years to come. Specifically, we urge you to:

1. Enact unequivocal sanctuary policies that:
 - a. Prevent collection of unnecessary information about immigration status;
 - b. Protect private information collected about City residents;
 - c. Prohibit local resources (including law enforcement) from being used for federal immigration enforcement or the establishment of a Muslim registry; and
 - d. Establish a body to monitor and oversee immigration enforcement actions in the City and affecting City residents.

2. Refuse to enact the forthcoming national stop-and-frisk policy of the Trump administration, which will exacerbate the targeting of communities of color, place the most vulnerable communities under increased threat, and feed mass-criminalization and mass-incarceration.

3. Modernize the Los Angeles Police Department’s (LAPD) Special Order 40, the police policy intended to promote public safety by protecting immigrants. Special Order 40 was drafted in 1979 and should be updated to protect the City’s diverse population in this new era under the Trump administration.

4. Ensure that the LA Justice Fund is based on principles of universality and inclusiveness with the goal of ensuring critical due process rights for all people in deportation proceedings, including all individuals in immigration detention.
5. Oppose President Trump's measures scapegoating and discriminating against Muslims, including by:
 - a. Endorsing SB 31 (Lara), which would ensure that state and local agencies and personnel do not participate in or use agency resources to create a registry, list, or database of individuals based on religious beliefs, practices, or affiliations, national origin, or ethnicity; and
 - b. Declining the nearly \$1 million dollars in grants that the City of Los Angeles is receiving from the federal government to implement programs aimed to "Counter Violent Extremism," (CVE) which play into harmful stereotypes and unwarranted targeting of the Muslim community.
6. Stand up to protect the rights of LGBTQ people and vigorously oppose any attempt by President Trump to institute a "license to discriminate" against LGBTQ people. Work decisively with elected officials and community partners to establish measures that will ensure the Trump administration does not roll back the clock on justice and equality for LGBTQ communities.
7. Ensure that the civil rights and well-being of residents are protected by establishing stricter fair hiring policies in public contracting and by investing in formal partnerships with state agencies to build comprehensive enforcement strategies to address heightened bias and discrimination through vigorous enforcement of Title VII and other fair hiring standards in the City of Los Angeles.
8. Protect street vendors from improper and damaging criminal prosecutions by ceasing to issue citations or taking other enforcement actions against street vendors while the City Council is considering plans to legalize street vending; pardoning past tickets, fines and fees, and/or offenses for sidewalk vending; and creating an inclusive, citywide permit program that legalizes sidewalk vending and promotes economic opportunity for all.
9. Expand existing levels of funding for day labor centers to ensure access to jobs and to re-affirm the City commitment to enforce wage theft and labor violations regardless of immigration status.
10. Develop a City budget that funds housing, youth programs, mental health resources, crime prevention/intervention work, and living wage jobs (those priorities that have the

greatest level of success in making communities safe) at a level that exceeds funding for police.

We also request that you meet with impacted community members and organizations to partner in shaping strong policies that ensure that Los Angeles continues to be a leader in welcoming and embracing Muslims, immigrants, refugees, LGBTQ people, Black communities, people of color, women, Jewish people, and residents of all backgrounds.

Now is the time for Los Angeles to lead in protecting all of the city's residents and in upholding our values of inclusion, diversity, and justice. Given the urgency of this crisis, we respectfully request an in-person meeting with you by February 17. Our point of contact is Betty Hung, Policy Director at Asian Americans Advancing Justice-Los Angeles, who may be reached at bhung@advancingjustice-la.org.

Thank you and we look forward to hearing from you.

Sincerely,

ACLU of Southern California
Alliance for Community Transit-Los Angeles (ACT-LA)
African Coalition
AFSCME 3299
American Immigration Lawyers Association-Southern California Chapter
API Equality-LA
Asian American Pacific Islanders-Christians for Social Justice (AAPI-CSJ)
Asian Americans Advancing Justice-Los Angeles
Asian Pacific Policy and Planning Council(A3PCON)
Bend the Arc Southern California
Black Alliance for Just Immigration
Black Lives Matter Los Angeles
Council on American Islamic Relations (CAIR) – LA
California Calls
California for Progress
California Immigrant Policy Center
California Immigrant Youth Justice Alliance (CIYJA)
California Pacific Conference of the United Methodist Church
Central American Resource Center (CARECEN)
Clergy and Laity United for Economic Justice (CLUE)
Coalition for Humane Immigrant Rights of Los Angeles(CHIRLA)
Community Coalition

Community Initiatives for Visiting Immigrants in Confinement (CIVIC)
East LA Community Corporation
Esperanza Community Housing Corporation
Esperanza Immigrant Rights Project
Filipino Migrant Center
Genders and Sexualities Alliance Network (GSA)
IDEAS at UCLA
Immigrant Defenders Law Center
Immigrant Youth Coalition
InnerCity Struggle
Instituto de Educacion Popular del Sur de California (IDEPSCA)
Interfaith Communities United for Justice and Peace (ICUJP)
Japanese American Citizens League – Pacific Southwest
Koreatown Immigrant Workers Alliance (KIWA)
LA County Federation of Labor
LA Forward
LA Voice
Los Angeles Alliance for a New Economy (LAANE)
Little Tokyo Service Center
Los Angeles Black Worker Center
Los Angeles Community Action Network
Los Angeles LGBT Center
Maternal and Child Health Access
Muslim Public Affairs Council (MPAC)
National Day Laborer Organizing Network (NDLON)
National Immigration Law Center
National Lawyers Guild, Los Angeles
National Queer Asian Pacific Islander Alliance
Nikkei for Civil Rights & Redress
OCA-Greater Los Angeles
People Organized for Westside Renewal (POWER)
Pilipino Workers Center
Public Counsel
Strategic Concepts in Organizing and Policy Education (SCOPE)
South Asian Network
Southeast Asian Community Alliance
Southern Christian Leadership Conference of Southern California
St. John's Well Child & Family Center
Thai Community Development Center
UCLA Labor Center

Union del Barrio

UNITE HERE – Maria Elena Durazo and Tom Walsh

United Teachers Los Angeles (UTLA)

United Union of Roofers, Waterproofers and Allied Workers, Local 36

UPLIFT

White People for Black Lives

Youth Justice Coalition

cc: Los Angeles City Council

Dear Council President Wesson, and other Los Angeles City Council Members:

I have lived in the low-income, heavily Latino community of Los Angeles my whole life and I have never experienced such fear and shattering of dreams than I have as soon as President Trump and Immigration and Customs Enforcement began their attack my neighbors and loved ones.

Immigration is THE pressing issue as it directly and instantly affects the lives of good people. We know from recent reports in Austin, Chicago, etc. that Immigration and Customs Enforcement are not just targeting criminals.

Even here is Los Angeles, someone I know was at the Home Depot on Wilshire and Union when ICE agents surrounded the building, pulling people out of bathrooms where they hid. ICE blocked all exits and were not allowing people to leave until "documents" were shown. In the Palms area in early March, a low-income, immigrant community called Palm Village was target by ICE. Agents showed up looking for one individual and then decided to begin knocking door-to-door asking questions. It wasn't till neighbors (non-Latinos) banded together and started asking questions to ICE and making noise did ICE leave. Two Fridays ago, someone I know who lives in the Historic South Central Neighborhood had a person knocking on their door claiming she was from the Census and wanted the names and ages of all people in the household.

These are a few personal examples of what is going on in our backyard. I hope you keep these stories close to your heart when taking action to protect our community.

Fatima Valentine Sanchez
Los Angeles 90016

Date: 3-30-17
Submitted in: Ad Hoc Immigrant Committee
Council File No: 16-1320
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Deputy: Public

Los Angeles City Resolution
[DRAFT - For Internal Use; Do Not Circulate]

*An ordinance should follow to incorporate the protections
herein into the Municipal Code.*

RESOLUTION NO. XXXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LOS ANGELES, CALIFORNIA TO WELCOME, PROTECT AND DEFEND ALL
RESIDENTS BY MAKING LOS ANGELES A SANCTUARY CITY

WHEREAS, Los Angeles is home to millions of people from all walks of life, of different races, religions, sexual orientations, and national and ethnic origins. The City values and celebrates this diversity, which makes our community and our economy strong and vibrant;

WHEREAS, a relationship of trust between the City and all residents, regardless of race, religion, sexual orientation, national origin, ethnicity, or immigration status, is essential for accomplishing core City functions, including protecting the safety and civil and human rights of all residents;

WHEREAS, this trust is threatened when the City is entangled with federal immigration enforcement programs, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes; seeking basic services; and attending school, to the detriment of the public safety and well-being of all City residents.

WHEREAS, the enforcement of federal civil immigration law falls exclusively within the authority of the federal government. No City department, agency, or commission, including the Los Angeles Police Department, has any inherent authority or duty to investigate violations of federal civil immigration law or to assist in enforcement of such laws;

WHEREAS, the creation of a national registry based on religion or national origin would violate the City's core values of religious freedom and tolerance and would sow fear and concern among the City's residents of Muslim faith or Muslim-majority countries;

WHEREAS, voluntary assistance in the enforcement of federal civil immigration law or implementation of a national registry based on race, religion, sexual orientation, national origin, or ethnicity by City departments, agencies, and commissions would drain already-limited City resources, blur lines of accountability between our local and federal government, imperil effective policing, deter access to basic services, and threaten the safety and well-being of City residents.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOS ANGELES AS
FOLLOWS:

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Los Angeles City Resolution
[DRAFT – For Internal Use; Do Not Circulate]

An ordinance should follow to incorporate the protections herein into the Municipal Code.

Section 1: The City Council of the City of Los Angeles, California, hereby finds, determines and declares as follows:

Protection of Residents’ Personal Information. In order to ensure that eligible individuals are not deterred from seeking services or engaging with City departments, agencies, or commissions, all City departments, agencies, or commissions shall review their confidentiality policies and identify any changes necessary to ensure that information collected from individuals is limited to that necessary to perform their duties and is not used or disclosed for any other purpose. It shall be the policy of all City departments, agencies, and commissions not to provide non-publicly available information about any individual to any entity or official, including but not limited to any state or federal government agency or official, unless necessary to perform department, agency, or commission duties or required by law.

Section 2: The City Council of the City of Los Angeles, California, hereby finds, determines and declares as follows:

Restriction on Use of City Law Enforcement Resources. The City shall adopt a policy affirming its commitment to bias-free policing and disallowing the use of any Los Angeles Police Department monies, facilities, property, equipment or personnel for the following:

- A. Immigration enforcement, including but not limited to:
 - (1) 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;
 - (2) Responding to any civil immigration warrant or request to detain, transfer or notify federal authorities about the release of any individual for immigration purposes;
 - (3) Making individuals in City custody available to federal immigration authorities for interviews for immigration purposes; and
 - (4) Providing non-publicly available personal information about any individual, including, but not limited to, information about the person’s release date, home address, or work address, for immigration purposes, including by providing access to City databases, except where required by law.
- B. Enforcement of any federal program requiring the registration of individuals on the basis of religious affiliation, or national or ethnic origin.
- C. Notwithstanding the above, and consistent with Sections 1373 and 1644 of Title 8 of the United States Code, nothing in this Section requires, prohibits or restricts any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of any individual, or from maintaining

Los Angeles City Resolution
[DRAFT – For Internal Use; Do Not Circulate]

An ordinance should follow to incorporate the protections herein into the Municipal Code.

or exchanging information regarding the immigration status, lawful or unlawful, of any individual, with any other federal, state, or local government entity. This Section does not alter any existing confidentiality policies of the City.

Section 3: The City Council of the City of Los Angeles, California, hereby finds, determines and declares as follows:

Training and Oversight. To ensure meaningful implementation, the City will:

- A. Develop a plan for dissemination of the policies described in Sections 1-2 above and appropriate training to ensure all relevant officers, employees and agents of the City understand their responsibilities.
- B. Appoint a commission composed of directly impacted individuals from the community and their advocates, which will:
 - (1) advise the City on implementation of Sections 1-2 above;
 - (2) monitor the City's activities on the matters described in Sections 1-2 above; and
 - (3) provide input on an accountability mechanism for resolving complaints of any violation of the policies described in Sections 1-2.

Section 4: The City Council of the City of Los Angeles, California, hereby finds, determines and declares as follows:

Defense of Sanctuary Designation. The City will resist any improper effort by the federal government to withhold or withdraw federal funding as a result of the City's policies to protect and defend its residents, including immigrants and members of religious minorities.

January 25, 2017

Charlie Beck, Chief of Police
Michel Moore, Assistant Chief, Office of Operations
Robert Arcos, Deputy Chief, Central Bureau
Los Angeles Police Department
100 West 1st Street
Los Angeles, California 90012

Dear Chief Beck, Assistant Chief Moore, and Deputy Chief Arcos:

Thank you for the invitation to meet with the Los Angeles Police Department ("LAPD") on January 12 to discuss LAPD's relationship with the City's diverse community, including its significant immigrant populations.

We were pleased to hear that LAPD recognizes that Special Order 40, established in 1979, is outdated and needs to be modernized to satisfy LAPD's goals of being a police force that serves the community and adheres to core values of equal enforcement of the law and equal service to the public regardless of immigration status.

Among other things, Special Order 40 does not reflect nearly four decades of important changes in law and practice, including:

- The growing intertwining of immigration enforcement with local criminal justice systems that has resulted in the deportations of hundreds of thousands of immigrants, many of whom are longtime residents of the state of California, with deep connections to their families and communities in our state.
- The LAPD's adoption of a pioneering community policing model that is harmed when immigrant residents are afraid of contacting the police to report a crime or cooperate with law enforcement due to a fear that any law enforcement contact could result in their deportation.
- The 2001 Report of the Rampart Independent Review Panel, following the now infamous 1990s LAPD Rampart Scandal, which recognized the harms that result from the Department's collaboration with federal immigration authorities and the need for revisions to Department policy and practice.
- The 2007 Los Angeles City Council resolution reaffirming Special Order 40 which recognized that promoting participation and involvement of the undocumented immigrant community in police activities increased the Department's ability to protect and serve the entire community.
- The United States Supreme Court's pronouncement in *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.

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- The growing public policy of the state of California—as reflected in state laws such as the TRUTH Act and the TRUST Act—to disentangle ICE deportation programs from local law enforcement agencies and to increase the transparency and accountability of immigration enforcement in the state; and—as reflected in a recent state audit and the passage of AB 2298—to acknowledge and remedy the inaccuracies in California’s shared gang databases and to prevent the unintended or inappropriate sharing of that information.
- Recent court decisions that have raised Constitutional concerns regarding the enforcement of immigration detainers.
- The recent resolution of the legislature of the state of California declaring that California opposes “mass deportation strategies that needlessly tear families apart, or target immigrants for deportation based on vague and unjustified criteria.”

In the interest of expediting and informing this process, a diverse group of academics, civil and immigrant rights organizations, and other experts have compiled the attached proposed revision of Special Order 40. We would welcome a detailed discussion about this proposal and would be glad to provide legal, policy and other support for the recommendations it contains.

We look forward to engaging with you to update the LAPD’s policies to ensure that they best protect this City’s immigrant communities.

Sincerely,

Martha Arevalo and Dan Sharp, Central American Resource Center
Shiu-Ming Cheer, National Immigration Law Center
Jordan Cummings, Public Counsel
Ingrid Eagly, University of California at Los Angeles School of Law
Josh Green, Urban Peace Institute
Marcela Hernandez, Immigrant Youth Coalition
Betty Hung, Asian Americans Advancing Justice – Los Angeles
Kathleen Kim, Loyola Immigrant Justice Center
Emi MacLean and Chris Newman, National Day Laborer Organizing Network
Ana Muñiz, University of California at Irvine
Victor Narro, UCLA Labor Center
Jennie Pasquarella, American Civil Liberties Union of Southern California

Los Angeles Police Department

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CC: Eric Garcetti, Mayor, City of Los Angeles
Ana Guerrero, Chief of Staff of Los Angeles Mayor's Office
Linda Lopez, Office of Immigrant Affairs, Los Angeles Mayor's Office
Herb Wesson, President, Los Angeles City Council
Gil Cedillo, Chair of Ad Hoc Immigrant Affairs Committee, Los Angeles City Council
Michael Feuer, City Attorney, City of Los Angeles
Arif Alikhan, Director, Office of Constitutional Policing and Policy, LAPD