5-09/271.00 - Immigration Inquiries and Notifications

The Department must partner with some of the most diverse and immigrant-rich communities in the world. Serving the community, investigating illegal activity, and preventing crime is immeasurably more difficult if law enforcement fails to maintain strong relationships with - and the trust of - all members of our community.

The Department is responsible for helping people in their time of need and investigating crimes that have occurred, regardless of the victim's or offender's immigration status. To that end, it has been the longstanding practice of the Department to provide law enforcement to all communities regardless of ethnicity or immigration status. In carrying out that mission, deputies are neither instructed nor trained to ask for a victim's or witness' legal residency status and are instead trained and instructed to treat all individuals with respect and dignity.

This policy is intended to reassure immigrant communities that there is no need to fear contact with the Department when they have been the victim or a witness to a crime.

IMMIGRATION STATUS INQUIRIES

In keeping with the highest traditions of the Department and with respect for the dignity of the people we serve, Department members shall investigate criminal activity without regard to an individual's legal status and shall not initiate police action with the objective of discovering the individual's immigration status. Department members shall neither arrest nor book an individual solely on suspicion of violating a federal immigration law relating to illegal entry, being unlawfully present, or overstaying a visa. When they are in contact with individuals under investigation for other criminal activity, Department members shall not inquire about immigration status unless the information is absolutely necessary to ascertain their true identity.

While interviewing victims and witnesses, Department members shall not inquire about a victim's or a witness' immigration status unless that information is an essential component in their investigation (e.g., human trafficking, involuntary servitude, etc.).

Nothing in this policy is intended to limit the ability of personnel to collect the necessary information and facts to handle an investigation completely and to conclusion, nor shall it preclude a witness or victim from being asked to give alternate contact information outside of the United States for purposes of ensuring that they can be contacted in the future for further investigation or to testify in court should they voluntarily or involuntarily leave the United States.

NOTIFICATIONS

If a victim's or a witness' immigration status is discovered during an investigation, Department personnel shall not forward that information to the United States Immigration and Customs Enforcement (ICE), unless such notification is required by documented mutual agreement and/or in regards to individuals already in LASD custody.

Nothing in this policy is intended to interfere with Department personnel in their responsibility to assist undocumented immigrants who are victims and/or witnesses in certain criminal matters in obtaining U-Visas under the Victims of Trafficking and Violence Protection Act of 2000.

Moreover, this policy is not intended to interfere with a Department member's responsibility to notify foreign authorities pursuant to law or treaty when foreign nationals are arrested or otherwise detained (See section 4-04/035.00).