

**FAX COVER SHEET**

STUART A. MAISLIN, COMMANDER
Los Angeles Police Department
Risk Management Group
213-978-4640

TO:	Mr. Paul J. Orfanedes
COMPANY/DEPT:	Judicial Watch
FAX NO:	202-646-5199
RE:	California Public Records Act Request
DATE:	03-30-06
PAGES:	50

MESSAGE:

Enclosed please find our letter in response to your California Public Records Act request and documents responsive to your request.

Please contact me at (213) 978-4640 should you have any questions.

LOS ANGELES POLICE DEPARTMENT



WILLIAM J. BRATTON
Chief of Police

P. O. Box 30158
Los Angeles, Calif. 90030
Telephone: (213) 978-4640
TDD: (877) 275-5273
Reference Number: 14.4

ANTONIO R. VILLARAIGOSA
Mayor

March 30, 2006

Mr. Paul J. Orfanedes
Judicial Watch, Inc.
501 School Street, SW, Suite 725
Washington D.C. 20024

Dear Mr. Orfanedes:

This correspondence is prepared in response to your letter to the Los Angeles Police Department (the Department) received December 23, 2005, requesting information pertaining to Department contact with undocumented aliens and with federal immigration officials. Your request was made pursuant to the California Public Records Act (the Act).

The Department is cognizant of its responsibilities under the Act. It recognizes that the statutory scheme was enacted in order to maximize citizen access to the workings of government. However, the Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable Federal or State law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255. In the event you are requesting documents related to individual officer personnel files, said documents clearly constitute confidential peace officer personnel records and are exempt from disclosure under Section 6254(c) and (k) of the Act.

The Department has reviewed your request and will provide the following documents. The documents include sections from the 2005 Department Manual, which may also be accessed online at www.lapdonline.org. Click on "Inside the LAPD," then click on 2005 Department Manual [PDF].

1. LAPD policies, practices, or procedures regarding contact between LAPD officers and known or suspected undocumented aliens.

- 2005 Department Manual, Volume 1, Section 310 through 390
- 2005 Department Manual, Volume 4, Sections 264.5 and 604.41
- Special Order No. 40, dated November 27, 1979
- Special Order No. 19, dated October 14, 1988
- Support Services Bureau Notice, dated February 17, 1988

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2. LAPD policies, practices, or procedures regarding contact between LAPD officers and federal immigration officials.

- 2005 Department Manual, Volume 4, Section 675.35
- Fiscal and Support Services Bureau Notice, dated December 18, 2002
- Special Order No. 40, dated November 27, 1979
- Special Order No. 18, dated September 5, 1980
- Special Order No. 19, dated October 14, 1988
- Support Services Bureau Notice, dated June 15, 1987
- Support Services Bureau Notice, dated February 17, 1988

3. Instruction or training provided to LAPD officers (including instruction or training provided at the Los Angeles Police Academy) regarding contact between LAPD officers and known or suspected undocumented aliens.

- 2005 Department Manual, Volume 1, Section 310 through 390
- 2005 Department Manual, Volume 4, Sections 264.5 and 604.41
- Special Order No. 40, dated November 27, 1979
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- Support Services Bureau Notice, dated February 17, 1988

4. Instruction or training provided to LAPD officers (including instruction or training provided at the Los Angeles Police Academy) regarding contact between LAPD officers and federal immigration officials.

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- Special Order No. 18, dated September 5, 1980
- Special Order No. 19, dated October 14, 1988
- Support Services Bureau Notice, dated June 15, 1987
- Support Services Bureau Notice, dated February 17, 1988

5. Enforcement of LAPD policies, practices, or procedures regarding contact between LAPD officers and known or suspected aliens (including any punishment of or disciplinary action taken against LAPD officers for violating such policies, practices, or procedures).

- Memorandum No. 5, dated June 17, 1982.

Please note that the Department's statistical database does not include a category for violations of policies regarding contact between officers and undocumented aliens or federal immigration officials. As the Department processes up to 6,500 personnel complaints each year, the Department would need to hand search and read tens of thousands of complaints to determine if any were made in violation of such policies and if any disciplinary actions were taken. This process would create an undue burden for the Department. Therefore, the Department asserts Government Code Section 6255 which allows an agency to withhold any records when on "the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by the disclosure of the record." In addition, personnel complaints are contained within individual officer personnel files. As such, the documents you are requesting clearly constitute confidential peace officer personnel records and are exempt from disclosure under Section 6254(c) and (k) of the Act.

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6. Enforcement of LAPD policies, practices, or procedures regarding contact between LAPD officers and federal immigration officials (including any punishment of or disciplinary action taken against LAPD officers for violating such policies, practices, or procedures).

Memorandum No. 5, dated June 17, 1982.

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7. Any and all statements or interviews given by LAPD officials to the Rampart Independent Review Panel during the course of the Rampart Independent Review Panel's 2000-01 evaluation of Special Order 40.

The Inspector General's Office of the Los Angeles Board of Police Commissioners (Police Commission), which authorized the formation of this panel, is currently conducting a search of its archived records to determine whether such records were provided to them by the independent counsel who comprised the panel, and whether these interviews were conducted under agreements of confidentiality which would preclude them from disclosure. The Department will promptly notify you the result of its findings upon conclusion of this search. However, in an effort to comply with your request, the Department is providing you with a copy of the Report of the Rampart Independent Review Panel - A Report to the Los Angeles Board of Police Commissioners Concerning Special Order 40, dated February 1, 2001.

We sincerely apologize for the delay and for any inconvenience this has caused. We hope that this response and our continued search for records might alleviate the necessity of litigation. If you have any further concerns or questions regarding this matter, please contact me at (213) 978-4640.

Very truly yours,

WILLIAM J. BRATTON
Chief of Police



STUART A. MAISLIN, Commander
Commanding Officer
Risk Management Group

Enclosures

Cc: Ms. Candice E. Jackson, Esq.
Mr. Richard Tefank

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unacceptable and will not be tolerated. Department personnel shall not consider an applicant's or employee's known or presumed sexual orientation in any pre-employment or employment action or decision, including but not limited to background checking, testing, hiring, assigning, training, transferring, upgrading, promoting, compensating, evaluating, disciplining and discharging.

It is the responsibility of all commanding officers and supervisors to take the necessary steps, including training and appropriate disciplinary action, to ensure and maintain a working environment free from sexual orientation discrimination. The Department shall prohibit, as a form of discrimination, the creation of or contribution to a hostile, intimidating, threatening, offensive, or abusive work environment on the basis of an individual's known or presumed sexual orientation. This includes written, spoken, graphic or demonstrative derogatory terms, slurs, comments, gestures, ridicule, threats, rumors, or jokes with respect to an individual's known or presumed sexual orientation. The Department is committed to eliminating discriminatory conduct in the workplace and will not tolerate or condone any form of sexual orientation discrimination by any Department or City employee.

COMMUNITY RELATIONS

310. GENERAL PROVISIONS. Community relations is based upon the principle that in a democratic society the police are an integral and indivisible element of the public they serve. Community relations is manifested by positive interaction between the people and the police and represents their unity and common purpose.

A system of law and its enforcement is not superimposed upon an unwilling public in a free society; the law is created by the people themselves to control the behavior of those who would seek to interfere with the community welfare and existence.

While the primary responsibility for the enforcement of the law lies with the people, the complexities of modern society and the inability of the people to personally cope with crime has required that they create the police service to assist in maintaining social order. The police represent only a portion of the total resources expended by the public to this end; however, this effort, frequently being restrictive of individual freedom, brings the police into contact with members of the public under circumstances which have a far-reaching impact upon the lives of the affected individuals. A citizen's encounter with the police can be a very frightening and emotionally painful experience, and under these circumstances, the risk of a misunderstanding is very great. The minimization of this risk is a challenge intrinsic to each public contact by the

Department.

The Department must strive for the establishment of a climate where an officer may perform his or her duties with the acceptance, understanding, and approval of the public. Additionally, the willing and practiced participation of the people in enforcing the law is essential for the preservation of freedom.

320. INDIVIDUAL DIGNITY. A recognition of individual dignity is vital in a free system of law. Just as all persons are subject to the law, all persons have a right to dignified treatment under the law, and the protection of this right is a duty which is as binding on the Department as any other.

An officer must treat a person with as much respect as that person will allow, and the officer must be constantly mindful that the people with whom he/she is dealing are individuals with human emotions and needs. Such conduct is not a duty imposed in addition to an officer's primary responsibilities, it is inherent in them.

330. ROLE OF THE INDIVIDUAL OFFICER. Community relations is manifested in its most common form in the numerous daily encounters between individual officers and citizens. It is at this level that reality is given to the unity of the people and the police and where the greatest burden for strengthening community relations is laid.

In dealing with people each officer must attempt to make his/her contact one which inspires respect for himself/herself as an individual and professional and one which generates the cooperation and approval of the public. While entitled to his/her personal beliefs, an officer cannot allow his/her individual feelings or prejudices to enter into public contacts. However, since an officer's prejudices may be subconsciously manifested, it is incumbent upon him to strive for the elimination of attitudes which might impair his/her impartiality and effectiveness.

340. EQUALITY OF ENFORCEMENT. As one of the world's largest cities, Los Angeles is composed of many different communities, each with its own life-style and each with its own individual crime problems. The cosmopolitan nature of the City is manifested by the diverse ethnic and sociological background of its people. However, all persons in each area of the City have in common the need for the protection which is afforded by fair and impartial law enforcement.

Additionally, as a person moves throughout the City, he or she must be able to expect a similar police response to his behavior wherever it occurs. Where the law is not evenly enforced, there follows a reduction in respect for the law and a resistance to its enforcement.

In order to respond to varying law enforcement needs in the different parts of the City, the Department must have flexibility in

deployment and methods of enforcement; however, enforcement policies should be formulated on a Citywide basis, and applied uniformly in all areas.

Implicit in uniform enforcement of law is the element of evenhandedness in its application. The amount of force used or the method employed to secure compliance with the law or to make arrests is governed by the particular situation. Similar circumstances require similar treatment in all areas of the City and for all groups and individuals.

To ensure equal treatment in similar circumstances, an officer must be alert to situations where, because of a language barrier or for some other reason, he or she may be called upon to display additional patience and understanding in dealing with what might otherwise appear to be a lack of response.

345. POLICY PROHIBITING RACIAL PROFILING. The Department shall continue to prohibit discriminatory conduct on the basis of race, color, ethnicity, national origin, gender, sexual orientation, or disability in the conduct of law-enforcement activities. Police-initiated stops or detentions, and activities following stops or detentions, shall be unbiased and based on legitimate, articulable facts, consistent with the standards of reasonable suspicion or probable cause as required by federal and state law.

Department personnel may not use race, color, ethnicity, or national origin (to any extent or degree) in conducting stops or detentions, or activities following stops or detentions, except when engaging in the investigation of appropriate suspect-specific activity to identify a particular person or group. Department personnel seeking one or more specific persons who have been identified or described in part by their race, color, ethnicity, or national origin, may rely in part on race, color, ethnicity, or national origin only in combination with other appropriate identifying factors and may not give race, color, ethnicity or national origin undue weight.

Failure to comply with this policy is a violation of an individual's constitutional rights. It is also counterproductive to professional law enforcement, amounts to racial profiling, and is considered to be an act of serious misconduct. Any employee who becomes aware of racial profiling or any other violation of this policy shall report it in accordance with established procedure. The Commanding Officer, Internal Affairs Group, shall ensure that all complaint allegations involving racial profiling are categorized under the appropriate category contained in the Department's Penalty Guide.

350. RESPONSIVENESS TO THE COMMUNITY. The Department must be responsive to the needs and problems of the community. While the Department's task is governed by the law, the policies formulated to guide the enforcement of the law must include consideration of the public will. This

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responsiveness must be manifested at all levels of the Department by a willingness to listen and by a genuine concern for the problems of individuals or groups. The total needs of the community must become an integral part of the programs designed to carry out the mission of the Department.

360. OPENNESS OF OPERATION.

Law enforcement operations in a free society must not be shrouded in secrecy. It is necessary that there be full public disclosure of policies and an openness in matters of public interest. Consistent with protection of the legal rights of involved individuals and with consideration of the necessity for maintaining the confidentiality of Department records and of other primary Department responsibilities, the Department is to disseminate accurate and factual accounts of occurrences of public interest. Additionally, the Department must strive to make known and accepted its objectives and policies.

370. INTERPERSONAL

COMMUNICATION. To promote understanding and cooperation there must be interpersonal communication between members of the community and officers at all levels of the Department. Each employee must be aware of the law enforcement needs of the community and his or her particular assigned area of responsibility. Guided by policy, an officer must tailor his or her performance to attain the objectives of the Department and to solve the specific crime problems in the area served. The Department must provide for programs to encourage productive dialogue with the public at all levels and to ensure that the unity of the police and the people is preserved.

380. TRAINING IN HUMAN AND COMMUNITY RELATIONS. The selection process for police officers is designed to choose the most qualified and to eliminate those who are physically, emotionally, mentally, or socially unfit. Those selected, however, are representative of the community at large and as such are subject to having the same prejudices and biases found in much of society. Exposure to crime and its aftermath can tend to harden and render insensitive an officer whose sympathetic understanding is needed to properly perform his/her duties. The Department must provide initial and continuing training in human and community relations to help officers avoid this hardening of attitude and to imbue in each officer an understanding of his/her total role in the community.

390. UNDOCUMENTED ALIENS. Undocumented alien status in itself is not a matter for police action. It is, therefore, incumbent upon all employees of this Department to make a personal commitment to equal enforcement of the law and service to the public regardless of alien status. In addition, the Department will provide special assistance to persons, groups, communities and businesses who, by the nature of the crimes being committed upon them, require

individualized services. Since undocumented aliens, because of their status, are often more vulnerable to victimization, crime prevention assistance will be offered to assist them in safeguarding their property and to lessen their potential to be crime victims.

Police service will be readily available to all persons, including the undocumented alien, to ensure a safe and tranquil environment. Participation and involvement of the undocumented alien community in police activities will increase the Department's ability to protect and to serve the entire community.

COMMUNITY AFFAIRS

420. NEWS MEDIA RELATIONS

420.10 ROLE OF THE NEWS MEDIA. A well-informed public is essential to the existence of a democratic nation. To effectively exercise his or her franchise, a citizen must be aware of current events and the state of government. A free press serves the public by supplying needed information, by stimulating thought, and by providing a medium for expression.

Crime, its results, and the efforts to combat it are all matters of continuing public concern. The Department is regularly involved in events at which members of the news media are properly present and performing their task of gathering information.

420.20 ROLE OF THE DEPARTMENT. The Department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public interest in a manner which does not hamper police operations. However, certain information must be withheld from the news media in order to protect the constitutional rights of an accused, to avoid interfering with a Department investigation, or because it is legally privileged.

420.30 DEPARTMENT PRESS RELATIONS OFFICER. To foster cooperation and mutual respect between the news media and the Department, a member of the personal staff of the Chief of Police is designated as the Department's Public Information Officer. His or her personal services are made available to authorized representatives of the news media to assist in solving problems of mutual concern to the press and the Department. Additionally, the Public Information Officer responds to serious police incidents to assist the news media in their function.

420.40 RESPONSIBILITY FOR THE RELEASE OF INFORMATION. When an event being investigated is of such a spectacular or unusual nature as to stimulate general community interest, the news media will be notified. Normally, it is the responsibility of an Area or division commanding officer or the senior officer at the

scene to make such notifications; however, when there is an event of major proportions, the Public Information Officer will assume responsibility for the release of information.

420.50 SCOPE AND CONTENT OF THE RELEASE OF INFORMATION. The scope and content of each release of information must be determined according to the facts of each situation. Generally, a description of the circumstances which is not legally privileged and which will not prejudice the rights of suspects or interfere with an investigation will be made. Such determination is made by the Public Information Officer or by the senior officer at the scene after consultation with the investigating officer or other responsible authority.

420.60 NEWS MEDIA PASSES. To assure that the Department is communicating with an authorized news media representative at the scene of a police incident, and to assure the representative that he/she will not be unnecessarily obstructed in the pursuit of his/her functions, the Department issues and honors news media passes. The Board of Police Commissioners is authorized by City ordinance to issue news media credentials. Passes are issued to newsreporters from newspapers, news services, news magazines, and radio and television stations which maintain regular news services in Los Angeles and which are legitimate current news disseminators.

Temporary news media passes may be issued for the duration of a police incident to legitimate news media representatives who have been specifically assigned to the incident by their employers. The possession of a news media pass issued by another law enforcement agency will be persuasive evidence that its possessor is a legitimate news media representative.

420.70 NEWS REPORTERS ENTERING AN AREA CLOSED PURSUANT TO STATUTE. According to State law, duly authorized representatives of any news service, newspaper, or radio or television station or network may enter any area closed because of a menace to the public health or safety. Authorization for such entry is based upon the possession of a temporary or permanent Department-issued news media pass. The decision to assume the risk of danger remains with the individual news reporter involved, and it is not the responsibility of officers to provide for the safety of those members of the news media who voluntarily choose to subject themselves to danger.

420.75 ALLOWING NEWS REPORTERS TO ENTER AREA OF A SERIOUS POLICE INCIDENT OR CRIME SCENE. Police lines may be established to prevent persons from entering the area of a serious police incident or crime scene. Dependent upon the tactical situation and the likelihood of jeopardizing police operations, members of the news media may be

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commander.

Booking preference shall be given to a state or municipal charge, if one exists.

264.15 COUNTERFEITING VIOLATIONS.

Definition of Counterfeit Currency. Counterfeit currency consists of any currency which has been fraudulently produced, printed, manufactured or forged, and which purports to be United States Currency; or, any United States Currency which has been altered or raised so as to portray a value other than its true face value.

Note: Although currency is most frequently counterfeited, the provisions outlined in this section apply to all forms of counterfeiting prohibited by Title 18, Section 472, of the U.S. Government Code. This includes coins, negotiable postage stamps, bonds, food stamps, etc.

Officer's Responsibility. Officers investigating a counterfeiting violation shall:

- * Notify Commercial Crimes Division or, when that office is closed, Detective Support Division, when any of the following conditions exist:

- * An arrest for a counterfeiting violation is made;

Note: Booking advice shall be obtained from Commercial Crimes Division or, when that office is closed, Detective Support Division. Booking approval shall only be obtained from the Area watch commander or the Watch Commander, Metropolitan Jail Section, Jail Division. Prior to booking, the U.S. Secret Service shall be contacted.

- * An investigation by the U.S. Secret Service is, or appears to be warranted;
- * Any of the following items is observed in a suspect's possession:

- * Counterfeit currency;
- * Raised currency (currency having the corners of larger bills illegally affixed to raise the face value);
- * An unusual number of corners cut from currency above two dollar denominations; and,
- * Currency of large denominations with ends torn off.

- * Book evidence in accordance with established procedures. (Manual Section 4/5 15.20)

Note: Counterfeit currency is not legal tender and has no intrinsic value. Officers booking counterfeit currency shall use the standard evidence envelope rather than the "Money" envelope.

- * Book adult suspects at the following location:

- * All Valley Bureau Areas, Pacific and West Los Angeles-Valley Jail Section.
- * All other Areas.
- * Male Arrestees-Metropolitan Jail Section.
- * Female Arrestees-77th Street Jail Section or Van Nuys Jail Section.

Note: Juvenile arrestees shall be booked in accordance with established procedures.

264.40 FEDERAL BUREAU OF INVESTIGATION APPROVAL-ILLEGAL WEARING OF UNIFORM.

The advice of the Federal Bureau of Investigation shall be obtained prior to the booking of any person on illegal wearing of uniform.

The name of the Federal Bureau of Investigation officer advising the booking shall appear on the Arrest Report, Form 5.2.

264.50 ENFORCEMENT OF UNITED STATES IMMIGRATION LAWS.

Officers shall not initiate police action where the objective is to discover the alien status of a person. Officers shall neither arrest nor book persons for violation of Title 8, Section 1325 of the United States Immigration Code (Illegal Entry).

265. VETERANS ADMINISTRATION FACILITIES.

Officers of this Department summoned to the Veterans Administration Hospital, or the Veterans Administration Outpatient Clinic, shall follow normal policies and procedures for investigating incidents and making arrests.

Note: The Veterans Administration Police shall retain responsibility for federal law enforcement activities at Veterans Administration facilities located on federal property.

Private Person's Arrest. When a private person's arrest is made at the Veterans Administration Hospital or the Veterans Administration Outpatient Clinic, the arresting person need not accompany the officers to the station when:

- * The arrest is made on the concerned Veterans Administration property;
- * The arresting person is an employee of the facility; and,
- * It would be impractical for the arresting person to accompany the officers.

(Private Person's Arrest-See Manual Section 4/216.33)

266. PROWLERS.

266.50 PROWLER REPORTS.

A Preliminary Investigation report, Form 3.1, shall be made on prowlers or "peeping toms" when:

- * An arrest under Penal Code Section 647(h) is made, or,

- * The victim has actually observed a prowler suspect in the commission of an act not amounting to an attempt burglary, or,
- * Physical evidence of prowling is found, or,
- * The victim insists that a report be made.

267. ESPIONAGE OR SABOTAGE ACTIVITIES.

267.50 REPORTING ESPIONAGE OR SABOTAGE ACTIVITIES.

Employees receiving information pertaining to espionage or sabotage activities shall:

- * Telephonically notify Criminal Conspiracy Section, Major Crimes Division;
- * Complete an Intelligence Report, Form 1.89, in duplicate, forwarding the original to Criminal Conspiracy Section, Major Crimes Division in a sealed envelope via intra-departmental mail.

Exception: When the information is of such a confidential nature that the integrity of an ensuing investigation might be jeopardized by reducing the information to writing, the Form 1.89 shall not be completed.

Note: When Criminal Conspiracy Section, Major Crimes Division is closed, the reporting employee shall request that the Watch Commander, Detective Support Division, advise the concerned on-call personnel of the closed unit to contact the employee.

269. CAL/GANG SYSTEM AND GANG FILE GUIDELINES.

The CAL/GANG System shall be the Department's only authorized system for the collection, storage, and retrieval of gang information. The Los Angeles County Sheriff's Department is the Los Angeles County CAL/GANG Administrator. The Commanding Officer, Special Operations Support Division (SOSD) is the Department's CAL/GANG Administrator.

269.10 DEFINITIONS.

Gang. A group of three or more persons who have a common identifying sign, symbol, or name, and whose members individually or collectively engage in, or have engaged in, a pattern or criminal activity creating an atmosphere of fear and intimidation within the community.

Note: Any group, including outlaw motorcycle gangs, prison gangs, posses, taggers, party crews, subversive groups and their associated membership that qualify under the definition of a gang may be maintained in the CAL/GANG System.

Gang Member. A juvenile or adult who has been positively identified and documented as a gang member under the California Department of Justice's (DOJ) approved criteria.

Affiliate Gang Member. A juvenile or adult who is identified by a gang officer as one who associates with a gang, but is not necessarily a full member.

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- * Valley Bureau, shall be booked at Valley Jail Section.
- * West Bureau, shall be booked at Wilshire Area Jail.
- * Harbor Area, shall be booked at Harbor Jail.
- * The Metropolitan area, shall be booked at Metropolitan Jail Section.

Exception: Southwest, 77th Street and Southeast Arcas shall be booked at 77th Street Jail Section.

Misdemeanor Arrestees. Misdemeanor arrestees shall be booked in the Area of arrest, or at Metropolitan Jail Section with the Metropolitan Jail Section watch commander's approval, except:

- * Misdemeanants arrested in Hollenbeck, Newton Street, and Rampart Arcas shall be booked at Metropolitan Jail Section.
- * When a male misdemeanor is arrested with a female arrestee who is to be booked at Los Angeles County Jail, the male misdemeanor shall be booked at Metropolitan Jail Section.
- * Male 647(f) PC (Drunk) arrestees.

647(f) PC (DRUNK) ARRESTEES. 647(f) PC (Drunk) arrestees shall be booked at Metropolitan Jail Section, 77th Street Jail Section, or Valley Jail Section.

- * Arrestees shall be examined by a doctor or a nurse at the jail facility prior to booking when booked at Metropolitan Jail Section, 77th Street Jail Section, or Valley Jail Section.

Note: Officers booking a 647(f) PC (Drunk) arrestee requiring special or extensive medical treatment shall comply with Section 4/648.10.

Arrestees Requiring Medication, Medical Attention, or Hospitalization. (4/648.10 and 4/648.20).

604.19 CHILD-ABUSE BOOKINGS.

Juvenile suspects arrested for child abuse shall be detained at Juvenile Hall. Detention approval shall be obtained from Juvenile Division during normal working hours. When Juvenile Division is closed, the detention approval shall be obtained from Detective Support Division.

Adult suspects arrested for child abuse shall be booked at the following locations:

Male Arrestees-related to victim

- * Valley Areas and Pacific and West Los Angeles Area-Valley Jail Section.
- * Metropolitan Area (includes Central, Southwest, Southeast, Hollenbeck, Hollywood, Wilshire, Northeast, 77th Street, Newton, Rampart, and Harbor), at Metropolitan Jail Section, Parker Center.

Male Arrestees-not related to victim

- * Valley Areas-at respective Area Jail.

- * Metropolitan Area-at respective Area Jail or Metropolitan Jail Section, Parker Center, if no divisional jail exists.

Female Arrestees

- * Valley Areas and Pacific and West Los Angeles Area-Valley Jail Section.
- * Metropolitan Area (includes Central, Southwest, Southeast, Hollenbeck, Hollywood, Wilshire, Northeast, 77th Street, Newton, Rampart, and Harbor), at 77th Street Jail Section.

604.30 BOOKING ARRESTEE TO ARRESTING PERSON. An arrestee shall be booked only to the person or persons effecting the arrest (4/604.15 and 4/606.15).

604.35 RECORDING BOOKING INFORMATION-DETENTION OFFICER'S RESPONSIBILITY. When a person is booked into a Department jail facility, the concerned detention officer shall record the arrested person's name, booking number, and other information required on the Jail Intake Log, Form 6.13.

604.40 COMPLETION OF LOS ANGELES CONSOLIDATED BOOKING FORM-GENERAL. The Los Angeles Consolidated Booking Form (5/5.1-01, 5/5.1.1-01) shall be typewritten by the booking employee.

Exception: When a typewriter is unavailable, the booking employee shall print the required information with a ballpoint pen, using sufficient pressure to assure the legibility of all copies.

ID Numbers. The employee completing the Booking Form shall not enter any identifying numbers such as the State Identifying Number (SID#), Main Number (MN#) or Los Angeles Number (LA#).

604.41 ARRESTEE BIRTHPLACE INFORMATION. When an arrestee is booked into Department custody and the city, county, state, and country of the arrestee's birthplace is known or can be obtained, that information shall be entered in the birthplace (BP) field of the Decentralized Automated Booking Information System (DABIS) "DBK 1" screen at the time of booking.

Note: When the arrestee is foreign born, the booking employee shall ensure that an "X" is entered as the first character in the birthplace field.

604.42 COMPLETION OF LOS ANGELES CONSOLIDATED BOOKING FORM, FORM 5.1. Completion of a Los Angeles Consolidated Booking Form, Form 5.1, is required for a juvenile booking only when the subject is:

- * Twelve years of age or older booked for any offense under Sections 601 or 602 WIC (4/625.10).

- * Male juvenile, age 16 or 17, detained at the Los Angeles County-USC Medical Center (4/218.67).

Note: Juveniles taken into custody for a 300 WIC violation shall be issued a booking number regardless of age; however, the Los Angeles Consolidated Booking Form, Form 5.1, for 300 WIC violations shall be forwarded to Records and Identification Division.

604.43 COMPLETION OF LOS ANGELES CONSOLIDATED BOOKING FORM-MISDEMEANOR BOOKING APPROVAL. The name and serial number of the watch commander giving a misdemeanor booking approval shall be placed in the lower left portion of the "Property" box on the Los Angeles Consolidated Booking Form and in the narrative portion of the arrest report, when one is completed.

604.45 BOOKING AT LOS ANGELES COUNTY JAIL. Officers booking a female arrestee at Los Angeles County Jail shall perform the following duties prior to transporting the female arrestee.

- * Transport the arrestee to the appropriate Area station;
- * Complete a Los Angeles Consolidated Booking Form, Form 5.1.2;

Note: When completing the Form 5.1.2, the "location of booking" shall be the Department facility where the form is obtained.

If the Decentralized Automated Booking Information System (DABIS) is unavailable, complete a Los Angeles Consolidated Booking Form, Form 5.1, and obtain a booking number telephonically from Records and Identification Division.

- * Inventory the arrestee's personal property and list the property in the "Property" Box of the Consolidated Booking Form;
- * Place the arrestee's property in a plastic prisoner property bag. The Property Record Page of the Consolidated Booking Form shall be placed in the bag in such a manner that the identification information is visible;

Note: The arrestee may retain a plain wedding band, dentures, and prescription eye glasses.

- * Ensure the Prisoner's Receipt page of the consolidated booking form is retained by the arrestee;
- * Allow the arrestee to retain up to \$40.00 in U.S. currency on her person;
- * Have a supervisor verify the amount of currency retained by the arrestee and the amount packaged in the plastic property bag, and initial the "retained" and "deposited" boxes on the Los Angeles Consolidated Booking Form, Form 5.1.2;
- * Place the currency to be deposited in a coin envelope and seal it in the upper portion of the plastic property bag.

Note: The property bag shall be sealed in the

Volume 4 - LINE PROCEDURES

675.15 DETENTION OFFICER ORDERING RELEASE OF A PRISONER NOT IN HIS CUSTODY. When a detention officer ordering the release of an arrestee by means of an Order to Release Teletype has not received a Notification of Release Teletype in one hour, he/she shall determine the reason for the delay.

675.20 DETENTION OFFICER RECEIVING ORDER TO RELEASE TELETYPE. The detention officer receiving an Order to Release Teletype from another division or from a Los Angeles County Sheriff's facility for the release of an arrestee shall:

- * When bail has been posted, issue a Bail Receipt and/or Notice to Appear, Form 6.15, to the arrestee and orally instruct him when and where to appear in court.

Note: The Form 6.15 shall be reviewed and approved by the issuing officer's supervisor.

- * Release the arrestee.

Note: A juvenile prisoner shall be released to the custody of his/her parents, guardian, responsible relative, or other person or agency designated on the Investigator's Final Report. When the juvenile is not released within two hours, the detention officer shall notify the concerned investigating officer; his or her supervisor; or the Watch Commander, Detective Support Division, when the above personnel are not available.

- * Send a Notification of Prisoner Release Teletype within one hour to:
 - * The Automated Justice Information System (4/165.32).
 - * Detective Support Division and the concerned investigating officer when an adult arrestee was booked on a felony charge or the arrestee is a juvenile.
 - * The division or Sheriff's facility ordering the release.
- * Forward concerned teletypes; warrants; and Bail Receipt and/or Notice to Appear, Form 6.15, to the division bail auditor.

Note: When the arrestee was released other than on bail, one copy of the Notification of Prisoner Release Teletype shall be attached to the Order to Release Prisoner Teletype. Both teletypes shall be maintained at the division for a period of one month, after which time they shall be destroyed.

675.22 NOTIFICATION OF PRISONER RELEASE TELETYPE-PROCESSING. Upon releasing a booked person from custody, the officer releasing the prisoner shall:

- * Enter the disposition information and the date and time of release on the line immediately following the charge on Page 3 (Property Record) and Page 6 (Division Booking Record).
- * Retain Page 6 in a temporary file of "Prisoners Released-Not Verified by AJIS."

- * Forward Page 3 to the concerned teletype operator.
- * Ensure that a Prisoner Release Teletype is sent to the AJIS System as indicated in the LAPD Automated Justice Information System Teletype Operator's Manual.

- * Metropolitan Jail Section and the Harbor Area Jail Section are responsible for sending the release teletypes.
- * Divisional record clerks of other geographic areas shall be responsible for sending the release teletype.

Note: When the AJIS System rejects the release notification, the information shall be periodically teletyped until release verification is received.

- * The verification teletype shall be returned to the detention officer, who shall attach it to Page 6 and place it in the "Prisoners Released-Verified by AJIS" file. Page 3 can be discarded.

675.23 IMPERATIVE RELEASE (IR) MESSAGES-REVIEW. The detention officer of the on-coming watch shall:

- * Review the IR teletype.
- * Indicate thereon each arrestee's detention status.
- * Forward the teletype to his/her watch commander.

Note: The watch commander shall review and initial the teletype.

- * After the watch commander reviews the teletype, file under "Prisoners Released-Verified by AJIS."

675.25 RELEASE ON ORDER FIXING BAIL. When a prisoner confined on a felony charge without a warrant, or a person acting as his or her representative, requests an Order Fixing Bail pursuant to Section 1276 of the Penal Code, the following procedures shall apply:

- * When a prisoner acts on his or her own behalf, the Request and Order for Fixing Bail, County Form 76R381 V, shall be completed and sent without unnecessary delay to the District Attorney via the Mail Unit, Records and Identification Division.
- * When a person acting in behalf of a prisoner presents a Request and Order for Fixing Bail to the detention officer at the place of detention, the detention officer, when required by the instructions on the form, shall deliver the form to the prisoner for his or her signature. The person acting in the prisoner's behalf shall then be directed to submit the form to the District Attorney's Office.

Detention officers shall cause the release of prisoners confined in the City Jail System for whom fixed bail release orders have been signed by:

- * Judges or commissioners of the Los Angeles Municipal Court ONLY when a person is

arrested or booked within the boundaries of the City of Los Angeles.

- * Judges or commissioners of the Superior Court of Los Angeles County when the offense was committed in the County of Los Angeles.
- * Judges or commissioners of the Supreme Court and the Courts of Appeal in any bailable case.

When a prisoner is released as a result of an Order Fixing Bail, in addition to any other notification, the custodial detention officer shall cause a Notification of Prisoner Release Teletype to be sent to the concerned investigating officer.

675.30 ARRAIGNMENT OR RELEASE OF ADULT PRISONERS WHEN NO INVESTIGATING OFFICER ASSIGNED. The detention officer having custody of a prisoner, to whose case no investigating officer has been assigned shall ensure that all adult arrestees are arraigned or released as soon as possible, without unnecessary delay, and in no event beyond two court days following the day of arrest.

Exception: During a state of emergency a presiding judge may request that the "Chair of the Judicial Council" extend the time limit for prisoner arraignment from the current two days to a period not to exceed seven days.

Note: See Section 4/775.13 for Certificate of Release requirements.

675.35 PLACEMENT AND DISPOSITION OF ILLEGAL ENTRY HOLDS. Supplemental holds charging illegal entry against persons in the custody of this Department for an unrelated criminal offense shall only be authorized by officers of the United States Immigration and Naturalization Service (INS). Arrestees against whom the INS has placed a hold shall be released to the custody of INS within 24 hours after:

- * All local charges are dismissed; or,
- * Bail is deposited on the local charges; or,
- * The arrestee is determined to be eligible for release on his/her own recognizance on the local charges.

Note: Under no circumstances shall any person be held longer than 24 hours when an illegal entry hold is the only remaining charge. There is no extension of the 24 hour detention limit because of an intervening holiday or weekend period. Procedures governing the booking and detention of prisoners held enroute are unaffected by this section.

675.40 NOTIFICATION TO AGENCY PLACING SUPPLEMENTAL CHARGE, WHEN PRISONER AVAILABLE FOR RELEASE. When a prisoner against whom a supplemental charge has been placed by a parole or probation officer (4/646.15) is available for release, the custodial detention officer shall make a telephonic notification to the concerned agency. Releases of prisoners so charged may be made at Metropolitan Jail

1/10/03

FISCAL AND SUPPORT BUREAU

December 18, 2002

NOTICE
10.1.

TO: All Concerned Commanding Officers

FROM: Commanding Officer, Fiscal and Support Bureau

RECEIVED

DEC 20 2002

MANAGEMENT SERVICE DIVISION DEC 31 2002

SUBJECT: [REDACTED]

Federal law mandates that municipal law enforcement agencies cooperate with the federal government in regards to immigration issues. Recently, the Los Angeles County Sheriff's Department has implemented the [REDACTED] (HI-CAAP) to further that mandate. The HI-CAAP is a countywide program that involves the Department, local law enforcement agencies, Los Angeles Sheriff's Department, and the [REDACTED]. The goal of the program is to identify booked suspects that have been previously convicted of a felony crime, deported from the United States, and subsequently reenter the United States illegally.

The program operates in the following manner: After an arrestee is booked and fingerprinted on the Live-Scan computer system, an automated check will be conducted via the [REDACTED]. If there is a hit in the AFIS database, an "Alert" will be sent to Records and Identification Division. Within 15 minutes, the INS will electronically send an INS detainer teletype to Records and Identification Division. If Records and Identification Division personnel do not receive an electronic detainer teletype, they are to call the INS at (202) 616-5000 or (877) 999-5372 toll free. Records and Identification Division personnel will ensure the detainer teletype is transferred to the Jail Division watch commander. The Jail Division watch commander will ensure that the appropriate booking facility is notified regarding the INS detainer. The arrestee cannot bail out. The INS detainer is similar to a Parole Hold. After the arrestee has resolved the local charges, then the INS will take custody of the individual.

Detention Officer's Responsibility

When an arrestee has been booked into a Department facility, the detention officer shall utilize the Live-Scan fingerprint identification system as part of the booking process. If Records and Identification Division personnel receives an "Alert" from the Department of Justice or the National Crime Information Center, then Records and Identification Division personnel shall notify the Jail Division watch commander regarding the Alert. The Jail Division watch commander will notify the involved booking facility. Upon receiving an electronic notification of the INS detainer, the detention officer shall place the notification with the arrestee's paper work. A separate Jail Transfer Record, Form No. 6.11, must be completed for the individual indicating the INS detainer. A copy of the hold notification must be attached to the jail transfer.

ADT
 YES NO

All Concerned Commanding Officers

Page 2

10.1

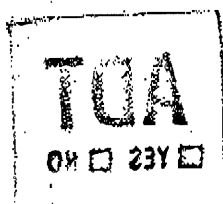
The purpose of the program is to reduce the number of repeat offenders by identifying those who have been convicted of a crime, deported, reenter the United States illegally and subsequently commit another crime. The program is not to be used for individuals that have not been physically arrested.

If additional questions arise or clarification is required, please contact Captain Kevin McCarthy, Commanding Officer, Detective Support Division, at (213) 473-7350.



LAURA JOHNSON, Police Administrator
Commanding Officer
Fiscal and Support Bureau

Distribution "B"



OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 40

NOVEMBER 27, 1979

SUBJECT: UNDOCUMENTED ALIENS

PURPOSE: The Los Angeles community has become significantly more diverse during the past several years with substantial numbers of people from different ethnic and sociological backgrounds migrating to this City. Many aliens, whether from Latin American, African, Asian or European countries, are legal residents. Others are undocumented and are residing in the City without legal sanction.

On March 20, 1979, the Board of Police Commissioners adopted a policy statement concerning undocumented aliens. This order incorporates the policy into The Department Manual and amends related Manual provisions.

POLICY: The Department is sensitive to the principle that effective law enforcement depends on a high degree of cooperation between the Department and the public it serves. The Department also recognizes that the Constitution of the United States guarantees equal protection to all persons within its jurisdiction. In view of those principles, it is the policy of the Los Angeles Police Department that undocumented alien status in itself is not a matter for police action. It is, therefore, incumbent upon all employees of this Department to make a personal commitment to equal enforcement of the law and service to the public, regardless of alien status.

The Department acknowledges the existence of social issues involving problems of health, welfare, education, housing and employment which are related to the assimilation of large numbers of persons with varied cultural heritages. Further, as the Department identifies and distinguishes police problems from social problems, it will continue to cooperate with those persons and agencies responsible for resolving these social issues.

In fulfilling its obligations, the Department will provide courteous and professional service to any person in Los Angeles, while taking positive enforcement action against all individuals who commit criminal offenses, whether they are citizens, permanent legal residents or undocumented aliens. In addition, the Department will provide special assistance to persons, groups, communities and businesses who, by the nature of the crimes being committed upon them, require individualized services. Since undocumented aliens, because of their status, are often more vulnerable to victimization, crime prevention assistance will be offered to assist them in safeguarding their property and to lessen their potential to be crime victims. To ensure that these principles can be effective, the Department will encourage the willing cooperation of all persons in programs designed to enhance community-police cooperation. Police service will be readily available to all persons, including the undocumented alien, to ensure a safe and tranquil environment. Participation and involvement of the undocumented alien community in police activities will increase the Department's ability to protect and to serve the entire community.

PROCEDURE:

- I. **ENFORCEMENT OF UNITED STATES IMMIGRATION LAWS.** Officers shall not initiate police action with the objective of discovering the alien status of a person.

Officers shall not arrest nor book persons for violation of Title 8, Section 1325 of the United States Immigration Code (Illegal Entry).

- II. **ALIEN ARREST INFORMATION-NOTIFICATION.** When an undocumented alien is booked for multiple misdemeanor offenses, a high grade misdemeanor or a felony offense, or has been previously arrested for a similar offense, the arresting officer shall:

- Telephonically notify the Headquarters Section Desk Officer, Detective Headquarters Division, of the arrest, the arrestee's name, booking number, charge and location booked.

• Mark the arrest face sheet "Undocumented Alien."

DISTRIBUTION "A"

SPECIAL ORDER NO. 40

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NOVEMBER 27, 1979

- III. **DETECTIVE HEADQUARTERS DIVISION, HEADQUARTERS SECTION-RESPONSIBILITIES.** The Headquarters Section Desk Officer, Detective Headquarters Division, upon notification that an undocumented alien has been arrested for multiple misdemeanor offenses, a high grade misdemeanor or a felony offense, or has been arrested for the same offense a second time, shall:
- * Record the information provided in the DHD Undocumented Alien Log.
 - * Notify the United States Immigration and Naturalization Service via teletype of the arrest of the individual.
 - * Forward daily all Arrest Reports marked "Undocumented Alien" to the United States Immigration and Naturalization Service.
- IV. **AREA/DIVISION RECORDS UNIT-RESPONSIBILITY.** Area/division records clerks shall forward one copy of each Arrest Report marked "Undocumented Alien" to Detective Headquarters Division.

AMENDMENTS:

This order adds Section 1/390.; amends Sections 4/264.50, 4/264.53, and 5/5.2-86; and deletes Sections 4/264.57 and 4/264.60 from The Department Manual.

AUDIT RESPONSIBILITY:

Detective Headquarters Division shall monitor compliance with procedural portions of this directive, in accordance with the provisions of Department Manual Section 0/080.30.



DARYL F. GATES
CHIEF OF POLICE

DISTRIBUTION "A"

OFFICE OF THE CHIEF OF POLICE

MEMORANDUM NO. 5

JUNE 17, 1982

SUBJECT: ENFORCEMENT POLICY REGARDING UNDOCUMENTED ALIENS

The Immigration and Naturalization Service (INS) recently conducted a major enforcement effort ("Operations JOBS") which received extensive media attention in the Los Angeles area. This emphasis on the enforcement of immigration laws by the INS does *not* alter the policy or practices of the Los Angeles Police Department regarding the enforcement of immigration violations.

Department personnel are reminded that police action shall not be initiated where the object is solely to determine the alien status of an individual. The policy of the Department as set forth in Manual Section 1/390 states in part:

"Undocumented alien status in itself is not a matter for police action. It is, therefore, incumbent upon all employees of this Department to make a personal commitment to equal enforcement of the law and service to the public regardless of alien status."

"Police service will be readily available to all persons, including the undocumented alien, to ensure a safe and tranquil environment. Participation and involvement of the undocumented alien community in police activities will increase the Department's ability to protect and to serve the entire community."

By fair and impartial interaction with the community, officers demonstrate the unity and sense of common purpose long promoted by this Department.



DARYL F. GATES
Chief of Police

DISTRIBUTION "A"

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 18

SEPTEMBER 5, 1980

SUBJECT: MISCELLANEOUS MANUAL AMENDMENTS**PURPOSE:** This order informs Department employees of certain additions, deletions, and revisions in The Department Manual.**PROCEDURE:**

- Malognik*
- I. **REVISED DISTRIBUTION OF UNDOCUMENTED ALIEN ARREST REPORTS TO DETECTIVE HEADQUARTERS DIVISION.** Special Order No. 40 of 1979 required that a copy of each arrest report involving an undocumented alien arrestee be distributed to Detective Headquarters Division (DHD) for forwarding to the Immigration and Naturalization Service (INS). A recent audit of procedures for notifying the INS of arrests of undocumented aliens revealed that the delivery of arrest reports is unnecessary. Therefore, the extra copy distribution of these reports to DHD is eliminated.

When an undocumented alien is booked for multiple misdemeanor offenses, a high grade misdemeanor or a felony offense, the arresting officer shall telephonically notify Detective Headquarters Division of the arrest and of circumstances of the incident.

The requirement that DHD notify INS of the arrest via teletype is not affected by this order.

This order amends Sections 4/264.50, 4/264.53 and 5/5.2-86 of The Department Manual.

- II. **FLEET CONTROL UNIT--ACTIVATED.** The need for efficient allocation of vehicle resources was described in a recent Management Task Force report. This order activates the Fleet Control Unit (FCU), Technical Services Bureau, which has the responsibility to administer the distribution and control of the Department's fleet.

A. **Fleet Control Unit--Activated.** The Fleet Control Unit is activated. The FCU is under the line command of the Assistant Commanding Officer, Technical Services Bureau.

Malognik

B. **Fleet Control Unit--Responsibility.** The FCU shall assume responsibility for allocating the Department's fleet. The FCU shall also assume responsibility for:

- * Coordinating budget requests for additional vehicles.
- * Conducting audits of vehicle use.
- * Maintaining liaison with each Office in matters regarding the Department's fleet.
- * Producing a vehicle transfer list as needed. The FCU shall be responsible for establishing procedures for publication of a vehicle transfer list.

C. **Correspondence Reference Number.** The correspondence reference number for the Fleet Control Unit is 1.10.

This order adds section 2/610.08, amends section 2/064, 2/307.60, 2/610.03, 2/660.01, 2/660.11 and deletes sections 2/307.61 and 2/307.62 of The Department Manual.

Audit Responsibility: Technical Services Bureau shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

DISTRIBUTION "A"

SPECIAL ORDER NO. 18

-2-

SEPTEMBER 5, 1980

- Requero*
- III. **11550 H&S (HYPE) SCHEMATICS--COMPLETION.** To provide Narcotics Division flexibility for more effective deployment of Field Enforcement Section personnel, the hours which Field Enforcement Section personnel are available for completing 11550 H&S (hype) schematics is modified as follows:

The Field Enforcement Sections, Narcotics Division, are responsible for providing court-qualified narcotics experts to concerned Operations Bureau Field Services Divisions for 11550 Health and Safety Code (hype) schematics, when requested, between 0800 and 2000 hours, Monday through Friday.

Appropriate amendments to the Department Manual will be made at a later date.

- IV. **OFFICIAL TRAVEL BY DEPARTMENT EMPLOYEE--REVISED.** To ensure prompt review, this order provides for bureau approval of travel in response to a subpoena from a judicial or legislative body outside of Los Angeles County, when that body is financing the travel.

Malone

When an employee of the Department is subpoenaed by an out-of-county judicial or legislative body and the travel expenses are paid for by that entity, requests for travel shall be forwarded through channels to the concerned officer's bureau commanding officer for approval. Upon approval, the bureau commanding officer shall forward the approved request to Fiscal Operations Division.

NOTE: The financing of such travel shall not create obligations between the City or the Department and the financing agency.

This order amends Section 3/390.49 of The Department Manual.

- V. **REVISED DISTRIBUTION OF TRAFFIC ACCIDENT REPORT, FORMS 4.1 AND 4.2.** In the past, traffic division report auditors have forwarded two audited copies of Traffic Accident Reports, Forms 4.1 and 4.2, to Automated Information Division (AID) where a DR number audit was completed. Procedures are now revised to transfer the DR number audit function to the respective traffic division and eliminate AID from the report distribution.

Requero

Each weekday morning, AID will forward two copies of the Traffic DR Issuance Report to each traffic division. Upon confirming that every traffic accident report is accounted for, traffic divisions shall make the following distribution:

- One copy of each traffic accident report, including private property and station reports, attached to one copy of the DR Issuance Report to:

Department of Transportation
Accident Records Unit
Room 1003, City Hall

- One copy of each traffic accident report, excluding private property and station reports, to:

California Highway Patrol
Data Processing Section
2555 First Street
Sacramento, California 95818

This order amends Section 5/4.1-80 of The Department Manual.

Audit Responsibility: Automated Information Division shall monitor compliance with this directive, in accordance with the provisions of Department Manual Section 0/080.30.

DISTRIBUTION "A"

SPECIAL ORDER NO. 18

-3-

SEPTEMBER 5, 1980

VI. **MERIT PAY REVIEW BOARD—REVISED COMPOSITION.** The composition of the Merit Pay Review Board for lieutenants and below has been modified from the presently required seven deputy chiefs to three.

Collector

Responsibilities: The Merit Pay Review Board shall be responsible for the authority to withhold the fifth pay step of lieutenants and below and to remove or reduce any merit pay step.

Membership: The board shall consist of three deputy chiefs for hearings concerning lieutenants and below.

Reviewing Officer: The Director, Office of Administrative Services, is the Reviewing Officer for all matters within the jurisdiction of the Merit Pay Review Board.

This amends Section 2/092.60 of The Department Manual.

Audit Responsibility: Personnel and Training Bureau shall monitor compliance with this directive, in accordance with the provisions of Department Manual Section 0/80.30.


DARYL F. GATES
CHIEF OF POLICE

DISTRIBUTION "A".

OFFICE OF THE CHIEF OF POLICE**SPECIAL ORDER NO. 19****OCTOBER 14, 1988****SUBJECT: MISCELLANEOUS MANUAL AMENDMENTS****PURPOSE:** This Order informs Department employees of certain additions, deletions, and revisions to the Department Manual.**PROCEDURE:**

I. SEIZURES OF LARGE QUANTITIES OF CONTROLLED SUBSTANCES IN EXCESS OF THIRTY POUNDS. The proper and expeditious handling of large quantities of controlled substances will facilitate the pretrial destruction process, pursuant to Section 11479 Health and Safety Code, and eliminate the unnecessary handling of such contraband. Response by the Hazardous Chemical Team, Scientific Investigation Division (SID), would expedite the sampling, weighing, and packaging of the seized substances, and greatly enhance pretrial destruction efforts. This Order establishes procedures for the response of the Hazardous Chemical Team, SID, to conduct the sampling, weighing, and packaging of controlled substances weighing in excess of 30 pounds net weight, which are to be booked into Department facilities.

A. Officers' Responsibilities. Officers who seize quantities of a controlled substance in excess of thirty (30) pounds net weight, which are to be booked into Department facilities, shall immediately notify the Hazardous Chemical Team, SID. When SID is closed, notification shall be made to Detective Headquarters Division.

B. Scientific Investigation Division Responsibilities. When notified of the seizure of a controlled substance in excess of thirty (30) pounds net weight, which is going to be booked into a Department facility, criminalists from SID shall respond to the location where the narcotics are to be weighed and packaged. Scientific Investigation Division personnel will remove the required number of samples for testing, and weigh and package the controlled substance in accordance with Department procedures for packaging evidence. The officers responsible for the seizure shall maintain control of the evidence and book it into the Department property system.

AMENDMENTS: This Order adds Section 4/540.75 to, and amends Section 2/670.13 of, the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Scientific Investigation Division, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

II. EMERGENCY OPERATIONS ORGANIZATION. Many procedures formerly related to civil defense are currently being accomplished through the Emergency Operations Organization (EOO). This Order updates the emergency operations responsibilities of Detective Headquarters Division, Tactical Planning Section, and Communications Division to conform with EOO procedures.

A. Detective Headquarters Division - Responsibilities. Effective immediately, Detective Headquarters Division (DHD) will no longer be responsible for maintaining files of civil defense emergency information and instructions. The Civil Defense File shall be replaced by a copy of the Emergency Operations Master Plan and Procedures Manual.

DISTRIBUTION "A"

SPECIAL ORDER NO. 19

-2-

OCTOBER 14, 1988

Civil defense radio checks with radio station KFI have been replaced with monthly equipment checks of the Emergency Broadcast System (EBS) in conjunction with the Los Angeles County Sheriff's Department. Detective Headquarters Division shall be responsible for verifying that the EBS console within DHD functions properly.

- B. **Tactical Planning Section -- Responsibilities.** Effective immediately, Tactical Planning Section shall no longer be responsible for coordinating Civil Defense Plans. The Civil Defense Plans have been replaced with the Emergency Operations Organization Plans. Tactical Planning Section shall be responsible for monthly testing of the EBS console within the Emergency Operations Center and maintaining a copy of the Emergency Operations Master Plan and Procedures Manual.
- C. **Communications Division -- Responsibilities.** Communications Division shall no longer be responsible for testing the air raid siren; the EBS has replaced this system.

AMENDMENTS: This Order amends Sections 2/1030.41, 2/1042.21, 2/1042.23, and 3/152.80 of, and deletes Section 2/640.15 from, the Department Manual.

AUDIT RESPONSIBILITY: The commanding officers of Uniformed Services Group and Detective Services Group shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

- III. **PLACEMENT AND DISPOSITION OF ILLEGAL ENTRY HOLDS.** In a recent case decision, *Gates vs. Grajeda and Rivera*, the California Court of Appeal established specific guidelines relative to the arrest and disposition of persons charged with the federal offense of Illegal Entry, Title 8, Section 1325, United States Code. In compliance with that decision, supplemental holds, charging illegal entry, against persons in the custody of this Department for an unrelated criminal offense shall only be authorized by officers of the United States Immigration and Naturalization Service (INS). Arrestees against whom the INS has placed a hold shall be released to the custody of INS *within 24 hours* after:

- * All local charges are released or dismissed; or,
- * Bail is deposited on the local charges; or,
- * The arrestee is determined to be eligible for release on his/her own recognizance on the local charges.

Note: Under no circumstance shall any person be held longer than 24 hours when an illegal entry hold is the only remaining charge. There is no extension of the 24 hour detention limit because of an intervening holiday or weekend period. Procedures governing the booking and detention of prisoners held enroute are unaffected by this Special Order.

AMENDMENT: This Order adds Section 4/675.35 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Jail Division, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

- IV. **SUBSTANCE TESTING -- REVISED.** When a supervisor is confronted with a situation that may require ordering an employee to submit to any substance test (e.g., a blood, breath, or urine test), the supervisor shall immediately contact Internal Affairs Division for advice and direction.

Note: When Internal Affairs Division is closed, the supervisor shall contact Detective Headquarters Division for the on-call Internal Affairs Division supervisor, who shall provide the necessary advice and direction.

AMENDMENT: This Order amends Section 3/836.05 of the Department Manual.

SPECIAL ORDER NO. 19

-3-

OCTOBER 14, 1988

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Affairs Division, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

- V. **TIME LIMITATION FOR RETURNING THE EXECUTED COMPLAINT AND RELIEF FROM DUTY OR SUSPENSION, FORM 1.61, AND THE NOTICE OF DISCHARGE OR SUSPENSION, FORM GENERAL 77, TO INTERNAL AFFAIRS DIVISION.** This Order amends the Department Manual to ensure the prompt return of an executed Complaint and Relief From Duty or Suspension, Form 1.61, or Notice of Discharge or Suspension, Form General 77, to Internal Affairs Division (IAD). After the Form 1.61 or Form General 77, has been served upon the accused employee, the required copies shall be hand-delivered immediately to IAD (in no case later than 0900 hours of the following weekday, excluding holidays).

AMENDMENTS: This Order amends Sections 3/830.10 and 3/860.20 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Affairs Division, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.


DARYL F. GATES
Chief of Police

DISTRIBUTION "A"

SUPPORT SERVICES BUREAU

NOTICE

June 15, 1987

TO: All Department Personnel

FROM: Commanding Officer, Support Services Bureau

SUBJECT: DABIS NOTIFICATION TO INS OF ARRESTS OF FOREIGN BORN PERSONS

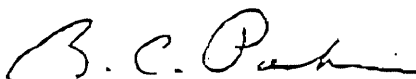
In cooperation with the United States Immigration and Naturalization Service (INS), the Los Angeles County Sheriff's Department (LASD) has modified the Automated Justice Information System (AJIS) to automatically notify INS of all foreign born arrestees.

Currently, Department employees arresting undocumented aliens are required by Department Manual Section 4/264.53 to notify Detective Headquarters Division (DHD) of the circumstances of the arrest. However, LASD has mandated that all AJIS users utilize the automatic notification feature incorporated into the birthplace field on each agency's booking format. Since the Los Angeles Police Department (LAPD) interfaces with AJIS via the Decentralized Automated Booking Information System (DABIS), LAPD must conform to the INS/LASD agreement.


Effective immediately, arresting officers shall ensure that the booking employee enters an "X" in the first position of the birthplace field on the DABIS "DTL2" screen when a "foreign born" arrestee is booked into any LAPD facility. This action will automatically produce a printout of the necessary booking information at INS for further investigation.

Immigration and Naturalization Service desires notification of all foreign born arrestees, whether in the United States legally or illegally. Legal immigrants may be subject to deportation due to the circumstances of the arrest. The INS will conduct an investigation as to status of the arrestee.

A Special Order modifying the Department Manual and deleting the requirement to notify DHD of the arrest of an undocumented alien is currently being reviewed. Pending the publication of that Special Order, the requirement to notify DHD of the arrest of an undocumented alien is suspended.


BERNARD C. PARKS, Commander
Commanding Officer
Support Services Bureau

APPROVED:


WILLIAM M. RATHBURN, Deputy Chief
Commanding Officer
Personnel and Training Bureau

DISTRIBUTION "M"

APR-20-1988 08:33 FROM OFFICE OF CHIEF OF POLICE TO 94858586 P.03

SUPPORT SERVICES BUREAU

NOTICE

February 17, 1988

TO: All Department Personnel
 FROM: Commanding Officer, Support Services Bureau
 SUBJECT: PLACEMENT AND DISPOSITION OF ILLEGAL ENTRY HOLDS

In a recent case decision, Gates v. Grajeda and Rivera, the court established specific guidelines relative to the arrest and disposition of persons charged with the federal offense of Illegal Entry, Title 8, Section 1325 United States Immigration Code (U.S.C.). This notice establishes interim procedures for compliance with the court's decision. Appropriate Department Manual amendments will be published at a later date.

The provisions of Department Manual Sections 4/264.50-53 remain in effect. Officers of this Department shall not arrest for the offense of illegal entry nor shall any action be initiated with the objective or discovering the alien status of any person.

NOTE: The court concluded in Grajeda that state peace officers have no authority to arrest for violations of 8 U.S.C. Section 1325. However, where an officer legitimately comes across information in the course of investigating a crime which reasonably leads to the belief the person arrested is illegally present in this country, nothing prevents the officer from advising United States Immigration and Naturalization Service (INS) of this data.

PROCEDURE:

1. Supplemental holds charging illegal entry against persons in the custody of this Department for an unrelated criminal offense shall only be authorized by officers of the INS.
2. ALL local charges shall be disposed of prior to release of the arrestee to INS authorities.
3. Arrestees against whom the INS has placed a hold shall be released to the custody of INS within 24 hours after:
 - * All local charges are released or dismissed, OR
 - * Bail is deposited on the local charges, OR
 - * The arrestee is determined to be eligible for release on his/her own recognizance on the local charges.

SUPPORT SERVICES BUREAU
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SSB Notice
Page 2

UNDER NO CIRCUMSTANCES SHALL ANY PERSON BE HELD LONGER THAN 24 HOURS WHEN AN ILLEGAL ENTRY HOLD IS THE ONLY REMAINING CHARGE.

NOTE: There is no extension of the 24 hour detention limit due to an intervening holiday or weekend period.

Procedures governing the booking and detention of prisoners held enroute are unaffected by this notice.

Questions concerning this policy may be referred to the Jail Division, Watch Commander, at extension 5-2510.

B. C. Parks
BERNARD C. PARKS, Commander
Commanding Officer
Support Services Bureau

APPROVED:

W. M. Rathburn
W. M. RATHBURN, Deputy Chief
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Distribution "M"

TOTAL P.04

Report of the Rampart Independent Review Panel



Special Order 40

February 2001



**REPORT OF THE
RAMPART INDEPENDENT REVIEW PANEL**

*A Report to the Los Angeles Board of Police Commissioners
Concerning Special Order 40*

February 1, 2001

RAMPART INDEPENDENT REVIEW PANEL



February 1, 2001

To the Honorable Board of Police Commissioners:

In response to your request, the Rampart Independent Review Panel undertook to examine what is known as Special Order 40, which concerns the policies, procedures, and practices of the Los Angeles Police Department with respect to undocumented aliens in Los Angeles, and the Department's relations with the United States Immigration and Naturalization Service. We are pleased to submit this report setting forth our findings and recommendations concerning these policies, procedures, and practices.

As articulated by officials of the Los Angeles Police Department, Special Order 40 seeks to accommodate the Department's law enforcement needs, protect the immigrant communities it serves, and enable it to provide appropriate assistance to INS. The policies, procedures, and practices described by these officials are not, however, fully set forth in the Department's Manual, and there are no written guidelines stating what contacts and cooperation with INS is permitted under Special Order 40. Further, there is no specialized training for officers and the Department lacks records of contacts with INS and of citizen complaints relating to Special Order 40 violations. In the absence of adequate guidelines and internal controls, the potential for abuses by LAPD officers as alleged by former officer Rafael Perez exists.

Members of the Rampart Independent Review Panel are available to respond to any questions by the Police Commission or to participate in the Commission's review of these recommendations.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard Drooyan".

Richard Drooyan
General Counsel
Rampart Independent Review Panel

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SPECIAL ORDER 40**Introduction and Summary**

Prior to 1979, the Los Angeles Police Department *required* officers who came into contact with a person suspected of being in the United States illegally to determine the person's immigration status and notify the United States Immigration and Naturalization Service ("INS") if the person was an undocumented alien. This was required even if the person was not the subject of a police investigation or a criminal charge. Many in the communities served by the LAPD believed that this requirement led to widespread abuse, and Latino citizens, legal immigrants and undocumented persons felt intimidated and threatened by the very officers who were charged with their protection. In addition, the LAPD itself was concerned that the immigrant communities would not report crimes or assist the Department in criminal investigations if individuals were afraid that any contact could lead to deportation.

To address these concerns, the LAPD formed an *ad hoc* committee to study the issues and to formulate policies and procedures concerning contacts with undocumented persons – whether as suspects, crime victims, or witnesses. As a result of the committee's recommendations, on November 27, 1979, Chief of Police Darryl Gates issued Special Order 40, which is now codified in the LAPD Manual.¹

As set forth in the Manual, Special Order 40 provides that "[u]ndocumented alien status in itself is not a matter for police action. It is, therefore, incumbent upon all employees of this Department to make a personal commitment to equal enforcement of the law and service to the public, regardless of alien status." Special Order 40 precludes LAPD officers from initiating "police action with the objective of discovering the alien status of a person," and from arresting or booking a person for "illegal entry" into the United States.²

Former Officer Rafael Perez has alleged that certain Rampart CRASH officers routinely violated both Special Order 40 and the due process rights of undocumented persons in the Rampart Area. In addition, the Los Angeles Latino community has charged that LAPD officers threaten and harass street vendors, day laborers, and suspected criminals with the specter of

¹ LAPD Manual 2000, Vol.1, Section 390; *id.*, Vol. 4, Section 264.50.

² *Id.*

deportation. These charges have raised questions about the scope of Special Order 40 and compliance with the Order by LAPD officers.

On April 12, 2000, the Los Angeles City Council asked the Board of Police Commissioners to bar INS and Border Patrol agents from LAPD facilities unless they are working on specific federal investigations, and then only with permission of the facility's commanding officer. The City Council also asked that the Police Commission reaffirm its support for Special Order 40. The Police Commission, in turn, asked the Rampart Independent Review Panel to evaluate Perez's allegations, review the Department's compliance with Special Order 40, and make recommendations regarding the Department's policies and procedures with respect to undocumented aliens and its relations with INS.

As articulated by LAPD officials to members of the Panel, the Department's policies and procedures resulting from Special Order 40 are more restrictive than as written in the Department's Manual. The policies and procedures articulated by the Department preclude officers from asking a person about his or her alien status and from notifying the INS about a person's undocumented status unless the person has been arrested. Moreover, in practice, LAPD officers do not routinely notify INS about the immigration status of individuals who have been arrested. The Department's policies and procedures, however, do not preclude LAPD officers from participating in task force investigations, responding to requests from the INS for information regarding suspected illegal aliens, or assisting INS agents in the execution of arrest warrants.

We believe that most officers comply with the Department's policies and procedures in their interactions with the immigrant community. The Department, however, lacks controls over, and documentation of, contacts between LAPD officers and INS agents. Consequently, some abuses may have occurred in circumstances where LAPD officers were assisting INS agents to identify undocumented criminal aliens. Any such abuses - whether or not they actually violated the LAPD Manual and, even if limited, undermine the credibility of the LAPD with the immigrant communities it serves.

LAPD's policies and procedures regarding undocumented aliens enhance the Department's ability to obtain cooperation of undocumented aliens in the investigation of criminal activity and protect the rights of the immigrant communities, while permitting LAPD

officers to cooperate with and provide information to the INS in appropriate circumstances. Nevertheless, to provide adequate guidance to LAPD officers and enhance public understanding of the Department's articulated policies and procedures respecting undocumented persons, the provisions of Special Order 40 set forth in the LAPD Manual should be revised to more accurately reflect these policies and procedures. The Department also needs to provide better training for officers with respect to Special Order 40³ and to more closely monitor contacts between LAPD officers and INS agents. To guard against potential abuses, LAPD officers should be required to obtain the authorization of a supervisor before assisting or providing information to INS agents and to document all contacts with INS agents. Finally, the Department needs a better internal reporting system and better complaint procedures for the investigation of possible violations of Special Order 40.

Findings

1. **The LAPD's articulated policies and procedures under Special Order 40 relating to undocumented aliens are not reflected in the LAPD Manual.**

The policy of Special Order 40 as currently set forth in the Los Angeles Police Department Manual is as follows:

Undocumented alien status in itself is not a matter for police action. It is, therefore, incumbent upon all employees of this Department to make a personal commitment to equal enforcement of the law and service to the public regardless of alien status. In addition, the Department will provide special assistance to persons, groups, communities and businesses who, by the nature of the crimes being committed upon them, require individualized services. Since undocumented aliens, because of their status, are often more vulnerable to victimization, crime prevention assistance will be offered to assist them in safeguarding their property and to lessen their potential to be crime victims.

Police service will be readily available to all persons, including the undocumented alien, to ensure a safe and tranquil environment. Participation and involvement of the undocumented alien

³ As used in this report, Special Order No. 40 refers to the Department's policies and procedures as articulated by officials of the LAPD and as set forth in the LAPD Manual at Vol. 1, Section 390 and Vol. 4, Section 264.50.

community in police activities will increase the Department's ability to protect and serve the entire community.⁴

To implement this policy, the Department's Manual provides as follows:

ENFORCEMENT OF UNITED STATES IMMIGRATION LAWS. Officers shall not initiate police action with the objective of discovering the alien status of a person. Officers shall not arrest or book persons for violation of Title 8, Section 1325 of the United States Immigration Code (Illegal Entry).⁵

As originally issued, Special Order 40 also required the LAPD to adhere to the following procedures in connection with the arrest of an undocumented alien:

ALIEN ARREST INFORMATION—NOTIFICATION. When an undocumented alien is booked for multiple misdemeanors, a high grade misdemeanor, or a felony offense, or has been previously arrested for a similar offense, the arresting officer shall [notify the Detective Headquarters Division [DHD] of the arrest and mark "Undocumented Alien" on the arrest report].

DETECTIVE HEADQUARTERS DIVISION, HEADQUARTERS SECTION—RESPONSIBILITIES. [The Division shall]

- Record the information provided in the DHD Undocumented Alien Log.
- Notify the [INS] via teletype of the arrest of the individual.
- Forward daily arrest reports marked "Undocumented Alien" to the [INS].⁶

In its current form, the LAPD Manual does not require the Headquarters Section Desk Officer in DHD to contact the INS once a person of questionable alien status has been booked for

⁴ LAPD Manual 2000, Vol. 1, Section 390. See Special Order 40 at 1.

⁵ LAPD Manual 2000, Vol. 4, Section 264.50. See Special Order 40 at 1.

⁶ The requirements pertaining to the sending of arrest reports to DHD and the INS were eliminated in Special Order 18 issued on September 5, 1980 by Chief Gates.

a felony offense, a high-grade misdemeanor or multiple misdemeanors.⁷ Indeed, other than precluding LAPD officers from initiating police action to discover "the alien status of a person" and arresting persons for "illegal entry," there are *no* procedures in the Manual that guide officer compliance with the policies of Special Order 40. The Manual does not bar an LAPD officer from notifying INS of the immigration status of a person arrested for a crime if the officer learns of that information. Further, nothing in the Manual actually bars an officer who is investigating an individual for criminal activity other than an immigration violation from asking that person about his or her immigration status and then advising INS.⁸

Interviews with Chief of Police Bernard C. Parks and other LAPD officers indicate that, in practice, the Department's procedures vary from the procedures originally set forth in Special Order 40 and go beyond the limited provisions of Special Order 40 that remain in the Manual.⁹ Indeed, as articulated, the procedures are more restrictive than as written. First, LAPD officers are not supposed to ask individuals suspected of criminal offenses, crime victims, or witnesses, about their immigration status.¹⁰ Second, in practice LAPD officers do not notify the INS of the arrest of an illegal alien. Only after a person has been arrested, arraigned, and held in the county jail pending prosecution will his or her alien status be investigated by the INS, and that is in cooperation with the Los Angeles County Sheriff, not the LAPD.¹¹ Thus, there is no reason for

⁷ Other than Special Order 18, see note 6 *supra*, the LAPD was unable to provide the Panel with documentation of the evolution of Special Order 40 as issued by Chief Gates in 1979 into its current form in the LAPD Manual.

⁸ Thus, lacking probable cause to arrest a gang member lawfully stopped on the basis of "reasonable suspicion," an officer could theoretically ask about the member's immigration status and then notify INS without violating the Manual as written.

⁹ See note 1, *supra*.

¹⁰ The one exception noted by an LAPD official is when officers make an arrest in connection with an alien smuggling operation and the status of the individuals who have been brought into the United States illegally is part of the federal crime.

¹¹ The Sheriff's Department follows the following procedure for investigating the status of undocumented inmates. On the booking forms used by the LAPD – and most other law enforcement agencies in Los Angeles County – an arrestee indicates his or her country of birth. Once an arrestee is held for trial and sent to the county jail, the Sheriff's Department provides

an LAPD officer to even ask a person who has been arrested for a crime about his or her alien status, although that appears to be permitted under the Department's articulated policies and procedures.

In practice, under Special Order 40 no officer should ever have cause to refer a person to INS except as part of a task force, where an INS warrant has been issued for illegal re-entry, or the rare instance in which LAPD officers arrest an individual engaged in alien smuggling.¹² LAPD officers are not supposed to refer an undocumented person to INS if the person is merely a victim or witness to a crime or comes into contact with the Department during a family disturbance, during the enforcement of minor traffic offenses, or when seeking medical treatment.

As articulated by LAPD officials, the Special Order 40 policies and procedures do not prohibit LAPD officers from interacting with INS agents for investigative purposes. For example, Special Order 40 would not preclude a police officer from providing names of known gang members to the INS in response to a request from the INS. Nor would Special Order 40 bar LAPD participation in a task force with the INS, where the INS is investigating *criminal* violations of the federal immigration laws at the same time that the LAPD is investigating violations of state criminal laws relating to, for example, narcotics trafficking or violent crimes.¹³ Finally, it would not prevent LAPD officers from assisting the INS to arrest a particular individual for whom a warrant had been issued. Nothing in the Manual, however, provides any guidance as to what contacts with INS are appropriate under Special Order 40.

INS with the names of the inmates who indicate they were born outside the United States. If INS records show the person is undocumented, INS will track the person through the criminal justice system. Only after the undocumented person has served a criminal sentence will deportation proceedings be initiated.

¹² Officers are required to contact INS where they arrest or detain an individual whose criminal history reflects that there is an outstanding INS warrant.

¹³ That interaction would not result in deportation until a criminal undocumented person has been through either the United States criminal justice system (for violation of a criminal immigration law) or the California criminal justice system.

2. **The LAPD does not provide officers with specialized training relating to the LAPD'S Special Order 40 policies and procedures or maintain separate records relating to Special Order 40.**

LAPD officers do not receive any specialized training on how to comply with either the written or unwritten policies or procedures of Special Order 40. Officers are instructed in a general fashion on all policies at the Police Academy and are required during their probationary period to exhibit knowledge and understanding of all policies and procedures. Students in the Academy and graduates in their probationary period are not, however, tested specifically on Special Order 40 or its procedures. Nevertheless, officers interviewed by members of the Panel indicated that they are told explicitly not to treat undocumented persons differently than they treat naturalized citizens and that a person's alien status should not be questioned by an officer until after an arrest has been made.

The LAPD does not have any record system in place for tracking contacts that individual officers may have with the INS. As part of the Board of Inquiry's investigation in response to the Rampart corruption scandal, the LAPD gathered *all* watch commander logs from the Rampart Area that made reference to officer contacts with undocumented persons. According to those LAPD records, there were only 11 such contacts.¹⁴ Because of the volume of records maintained by the LAPD and the lack of any specific procedures for maintaining records relating to undocumented persons, the LAPD contends that to search for and find additional records would be virtually impossible.

3. **As articulated by LAPD officials, the Special Order 40 policies and procedures strike an appropriate balance that meets LAPD's law enforcement needs, protect the rights of the immigrant communities, and allows for appropriate assistance by LAPD to the INS.**

Special Order 40 recognizes that undocumented aliens are frequently victimized by criminals and need the protection of the police. Most community members interviewed for this report indicate that they support the policies of Special Order 40. Further, virtually all law enforcement officers support the policies of Special Order 40. They stated that it is their

¹⁴The contents of the 11 records are discussed more below. See p. 13, *infra*.

obligation to protect undocumented persons from crime and to prosecute criminals who victimize them. The officers we spoke with believe they have an ethical obligation to assist victims. They further believe that the same individuals who victimize undocumented persons also victimize citizens or legal immigrants.

Special Order 40 seeks to ensure that the entire community, even undocumented persons who are victims or witnesses, will help the police solve crime. On balance, law enforcement considers it to be more important to solve felonies and high-grade misdemeanors than to enforce the immigration laws, which for first time offenders is only a low-grade misdemeanor. All law enforcement officers interviewed for this report agreed that it is crucial for effective law enforcement that victims and witnesses of crime feel safe with the police. Identification of local police with immigration enforcement could lead some residents to avoid interaction with the police, even when the resident is a victim of or witness to a crime. Victims will not come forward if they believe that, in response to their calls, the INS will appear at their doors. Witnesses are less likely to testify as part of criminal prosecutions if they suspect that INS agents await them when they complete their testimony. Although immigrant trust of the LAPD remains an issue, many long-time LAPD officers stated that there is a marked difference in the attitude of the immigrant community respecting the LAPD since Special Order 40 was issued.¹⁵

To permit officers to refer undocumented persons they encounter in the course of their duties to INS would allow for the possibility of arbitrary and discriminatory enforcement activity targeting individuals of Hispanic descent. Special Order 40 attempts to ensure that all undocumented persons are given equal treatment under the law.

Special Order 40 does not preclude the LAPD from responding to requests by INS for information regarding an individual's criminal activities or whereabouts, or from assisting INS to

¹⁵ Virtually all California state police departments and sheriff's departments have policies similar to Special Order 40. The LAPD policies and procedures are, however, more restrictive than other policies reviewed by the Panel in terms of the limitations on police officers in dealing with undocumented aliens. For example, Santa Ana Police Department Order No. 340 permits referrals to INS by an arresting officer with the approval of the Watch Commander, and San Diego Police Department Order 6.18 permits referrals to INS if there is no probable cause to arrest, but merely a "reasonable suspicion" that criminal activity unrelated to immigration status exists.

execute arrest warrants for violations of the immigration laws. Nor does Special Order 40 preclude LAPD from providing tactical assistance when, for example, INS is planning to conduct an operation that may have implications for public safety. Further, through the Los Angeles County Sheriff's Department, criminal undocumented persons are ultimately referred to INS once the criminal process has commenced. Thus, Special Order 40 does not excessively hamstring LAPD and local law enforcement from providing appropriate assistance to and cooperation with immigration officials.

Even absent Special Order 40, federal law would bar LAPD officers from enforcing the immigration laws unless they were given specialized training.¹⁶ Therefore, by precluding officers from stopping persons to determine their alien status, Special Order 40 does not narrow the existing federal law. Officers with every California law enforcement agency interviewed for this report, including members of the LAPD, indicated that they do not advocate training their officers to enforce the immigration laws. They believe that the time required for the training and the effort that would be required to capture undocumented persons would have an adverse impact on law enforcement generally.

Officers are not permitted by state law to stop someone they suspect has committed only a misdemeanor – such as illegal entry into the country – unless the misdemeanor is committed in his or her presence. Therefore, Special Order 40 comports with state law.

Federal law prohibits any government entity or official from restricting communication with INS regarding a person's immigration status.¹⁷ As written, Special Order 40 does not prohibit LAPD officers from communicating information known about an individual's alien status to INS. As practiced, it precludes LAPD officers from inquiring about an individual's alien status, which does not appear to be inconsistent with the federal law.¹⁸ Moreover, information regarding the arrest of an undocumented alien is communicated by the Sheriff's Department to the INS, which ultimately determines the alien's immigration status.

¹⁶ 8 United States Code, Section 1357(g)

¹⁷ 18 United States Code, Section 1373.

¹⁸ Special Order 40 is silent on what LAPD officers are supposed to do if they happen to learn of information about the undocumented status of an alien who has not been arrested.

Advocates for immigration reform believe that the importance of enforcing the immigration laws outweighs the importance of garnering the trust of the undocumented community and its participation in law enforcement. Some members of the community indicate that Special Order 40 hamstring police by preventing them from using a legal means to rid the community of known criminals when the police lack sufficient evidence to prosecute the person for his or her criminal activities. As noted above, undocumented aliens arrested and booked for criminal acts are referred to INS by the Sheriff's Department. Given the importance of gaining the cooperation of undocumented aliens to enable the LAPD to investigate crimes and protect the Los Angeles' immigrant communities, the policies and procedures articulated by LAPD officials constitute a reasonable and appropriate accommodation of various interests and concerns.

4. Cooperation between LAPD officers and INS agents may have resulted in violations of the Department's policies and procedures regarding undocumented aliens.

In interviews with LAPD and District Attorney investigators, former Officer Rafael Perez alleged that he and certain other CRASH officers repeatedly violated Special Order 40. Perez alleged that between six and eight federal agents from INS and the Bureau of Alcohol, Tobacco and Firearms ("ATF") would occasionally work at the Rampart community police station on Friday nights and Saturdays as part of a task force that existed before Perez joined Rampart CRASH.

Perez stated that two agents, one from INS and one from ATF, were in charge of the task force and worked out of the Rampart station.¹⁹ According to Perez, when a CRASH officer wanted someone deported *for any reason*, the officer would simply call up INS and "they'd come handle it. And they [sic] guys would disappear. They'd get deported."

Perez also stated that CRASH officers would sometimes go out at the request of the federal agents and conduct "street sweeps" looking for people who had been deported in the past. For example, CRASH officers would go to a person's home and take him to the station where INS and ATF were waiting or the officers would meet with agents who were riding around in unmarked vehicles waiting for the officers to call in the location of a "suspect." Then, according to Perez, the agents would tell the CRASH officers how to craft the affidavit they had to provide

¹⁹ As explained below, the federal agencies interviewed for this report indicate that there

to help the agents establish probable cause for an arrest. Perez alleges that the ATF once instructed him, for example, to write that, "you were driving down the street, saw this guy, detained him, we happen to come along and saw you. As soon as you let him go, we did – you know, we detained him to do our investigation."

Perez also alleged that certain CRASH officers referred undocumented persons to the ATF and INS when those persons had witnessed the officer's improper behavior, or had filed a personnel complaint about the officer. Although Perez said he never asked the agents if they knew *why* the CRASH officers referred undocumented persons for deportation, the circumstances indicated that the agents *did* know. For example, Perez stated:

[I]f somebody – Snoopy from 18th Street came in and made a complaint against a CRASH officer. And on Friday night, when ATF shows up, some of the guys would go and talk to him. Da, da, da, da. And, you know, ATF, by the way, has a book of every gang member, every Crazy Rider, let's say, that was in – in the Crazy Rider Gang. They know them all by monikers, their first names, who's been deported, who hasn't.

They would vigorously go out and search and then try and find those guys that have made complaints against CRASH officers, for the purposes of deporting them. That I know by conversations that have taken place within the CRASH unit and the subsequent result of people being deported by these agents.

Perez also stated that he would keep a record of the alien status of suspected gang members on his field investigation cards. He would refer to these cards later when the ATF or INS wanted him to get "bodies."

The arrest of Carlos Guevara exemplifies Perez's allegations. Guevara was arrested in January, 1998. Perez testified that it was a rainy night and the INS agents were at the station. One agent approached Perez and said "You guys got anything going on? I know it's raining, but get us a body or something." Perez then checked his identification cards to see if he had come across any gang members that had illegally re-entered the country. He came across the name of Carlos Guevara.

Perez went to Guevara's residence with his partner. They knocked on the door and Guevara's girlfriend answered. At the officers' insistence, she went to wake up Guevara. Perez

is no task force with this make-up in operation at this time.

and his partner followed, despite the protestations of other individuals in the residence. The officers told Guevara they needed to talk, and he asked if they could talk at his home. The officers refused. They handcuffed Guevara and took him to the station, where they handed him over to the INS.

According to Perez, a couple of weeks later, one of the INS agents told Perez that he was to say in an affidavit that he and his partner had stopped Guevara on the street, and at that moment INS happened to drive by and took over the detention.²⁰ Guevara has since been convicted of illegal re-entry and is serving five years imprisonment, after which deportation proceedings will presumably be initiated.

No one in the LAPD has yet corroborated Perez's allegations. In interviews with members of the Panel, captains in charge of Rampart when Perez was working Rampart CRASH denied being aware that ATF or INS agents were formally working out of the Rampart station or that the agents had desks at the Rampart station. The captains were housed at the main Rampart station, while Perez and Rampart CRASH worked out of a satellite facility. The captains would usually visit the satellite facility during the week-day shift. Perez testified that the federal agents worked out of the station mostly at night on the weekends. Also, the federal agents generally work in plainclothes, and most officers interviewed for this report attest that they could not identify a federal agent unless he or she were pointed out.

Each captain also stated that he did not know of any occasion when an officer under his command had cause to contact an INS agent. Indeed, each stated that if it were called to his or her attention that an officer *had* referred names to the INS, such actions would be grounds for a formal inquiry and would likely be found to be improper.

Few other officers stationed with Rampart CRASH unit were willing to be interviewed. The only former CRASH officer who agreed to be interviewed stated that although ATF and INS officers were occasionally present at the Rampart station, he was unaware that any federal agents were formally working out of the station. Non-CRASH Rampart officers stated that they had never seen an INS or ATF agent in their stations, let alone formally working at a station, and they were not aware of any officer who had referred anyone to INS or ATF agents for deportation.

²⁰ Perez stated that he does not recall the names of any of the involved INS agents, but he claimed he would be able to identify them if he saw them.

Indeed, LAPD officers interviewed for this report for the most part expressed surprise at the substance of Perez's allegations and stated that behavior of most LAPD officers comports strictly with Special Order 40. They explained that they understand Special Order 40 to mean that no LAPD officer – unless he or she is part of a federal task force – will have cause to contact the INS for *any* reason, and that under no circumstances should that contact include referring an individual for deportation. They uniformly explained that the LAPD policy regarding undocumented persons provides that officers should treat undocumented persons just like citizens. They asserted that the LAPD is *not* the INS and should not be doing the INS's job.

The LAPD does not specifically maintain records of officer contacts with the INS or with undocumented persons. Therefore, it is virtually impossible at this time to gather officer reports relating to contacts with undocumented persons or the INS, or to conduct an effective audit of compliance with Special Order 40 to corroborate or refute Perez' allegations.

The LAPD contends that it has gathered all Rampart Area watch commander logs that refer to these subjects, but the logs indicate that there have been few officer contacts with the INS or undocumented persons. An arrest report of September 16, 1997, attests that two officers stopped a stolen vehicle occupied by several undocumented persons who were "held for INS." The report indicates that these people were also booked for a crime. As originally promulgated, Special Order 40 required the arresting officer to note a person's undocumented status and DHD was required to notify INS. To the extent, however, that this action involved the arresting or booking officer's contacting INS, it is inconsistent with LAPD's current practices.²¹

The remaining ten records provided reflect that officers complied with Special Order 40 as written and in spirit when dealing with the INS. These records reflect that officers, for example, responded to calls for assistance by the INS or helped the INS to serve warrants, which is proper under Special Order 40.

To evaluate Perez's allegations and determine – to the extent possible – whether any Special Order 40 violations occurred, members of the Panel interviewed representatives of the Federal Bureau of Investigation ("FBI"), ATF, and INS about their involvement in the Rampart Area and their coordination and interaction with the LAPD officers working in the area, especially Rampart's CRASH officers. Representatives of the United States Attorney's Office,

²¹ See p. 5, *supra*.

which is responsible for prosecuting individuals for illegal re-entry into the United States, were also interviewed.²²

In mid-1997, the FBI initiated a federal task force to investigate and prosecute members of the 18th Street Gang. The FBI was the lead agency coordinating the task force, which included many FBI agents and, for a short period of time, one ATF agent. Although task force agents came into contact with illegal aliens, the primary purpose and focus of the task force was to investigate criminal activity of 18th Street Gang members.

The FBI worked closely with the United States Attorney's Office to coordinate the investigation and prosecutions. According to the FBI, only two of the many cases arising out of the task force resulted in the filing of immigration charges. Most of the cases were prosecutions involving drug dealing and firearms violations.

The FBI denied that any of its agents made a referral to the INS at that time or assisted any LAPD officer in making such a referral. If the FBI makes a referral of a suspect to another agency, the referring agent is required to complete and file a "FD9 Form," also called a Dissemination Form, indicating that a referral was made. An internal FBI review of the 18th Street Gang task force files revealed no FD9 forms showing referrals to the INS. Although referrals could have occurred without the completion and filing of a FD9 Form, this would have been a violation of FBI policy.

At some point during the task force investigation, the INS approached the FBI with a list of individuals suspected of being in the United States illegally and/or of having returned to the United States after being deported. The INS asked the FBI if any of these individuals were under investigation by the FBI. According to the FBI, there may have been one name that overlapped, but the FBI did not work with the INS to investigate the individuals on the INS' list.

After the 1992 Los Angeles riots, ATF increased its presence in the Rampart Area from only a few agents to approximately 10-12 ATF agents. These ATF agents were to identify, investigate and prosecute firearms violations committed by the various gangs operating in the

²² The U.S. Attorney's Office has no specific information about the interaction between the INS and the LAPD, and no information about whether Special Order 40 was or could have been violated or circumvented by the LAPD.

Rampart Area. To further these goals, ATF joined with LAPD in several task forces between 1994 and 1997. According to ATF, there was no INS involvement in these investigations.

To the extent that an ATF investigation involved the illegal possession of firearms by aliens, ATF worked with INS to establish whether the individual possessing the firearm was an illegal alien. When ATF was investigating suspected firearms violations by an individual or group of individuals who could be aliens, ATF would contact INS to attempt to determine each individual's immigration status.

By early 1997, ATF task forces were discontinued and ATF had only one agent assigned to work in the Rampart Area. The FBI approached ATF and asked if its agent would work with the FBI on the investigation of the 18th Street Gang. ATF agreed to assist informally, but no ATF agent was assigned to work on the FBI's task force. The ATF agent assigned to Rampart continued to work with Rampart CRASH officers with respect to firearm offenses. In February 1999, ATF pulled out of the Rampart area altogether.

The FBI and ATF agents interviewed by members of the Panel were unaware of any attempts by LAPD officers to circumvent Special Order 40. They indicated that neither the FBI nor ATF sought information about an individual's alien status from the LAPD.²³ Once the Rampart scandal broke, ATF conducted its own internal investigation concerning its involvement in the Rampart Area. According to ATF, its report concluded that ATF agents knew nothing about any improper activity on the part of any officers or agents in the Rampart Area.²⁴

INS was involved in the Rampart Area during the time period in question, both as part of an FBI task force and through the "INS Violent Gang Task Force" ("VGTF"). According to a high ranking INS official with oversight responsibility for the VGTF, INS worked very closely with the Rampart CRASH unit to identify undocumented persons in the Rampart Area.

In the mid-1980s, INS established the VGTF to work with other task forces and law enforcement agencies in Rampart to identify undocumented criminal aliens and prosecute them

²³The FBI and ATF agents who agreed to be interviewed gave their full cooperation. However, these agents were supervisors, not the line agents during the time period at issue, and several were not supervising the agents who were working in Rampart during the relevant time period. The line agents were not made available due to privacy concerns and what was described as a "general reluctance" to go on record about their role in Rampart.

²⁴ATF declined to release this report to the Panel.

for crimes they may have committed and/or deport them from the United States. Although the VGTF consisted only of INS agents, it worked closely with the LAPD Rampart CRASH officers and agents from other law enforcement agencies working in the Rampart Area.

According to INS, the main purpose of the VGTF was to execute arrest warrants for 18th Street Gang members, most of whom were located in the Rampart Area, for immigration violations. The VGTF agents patrolled every night in the Rampart Area searching for suspected illegal aliens. They had a list of more than 300 violent gang offenders suspected of illegal re-entry into the country and were searching specifically for those individuals and others listed in their databases.

The VGTF worked closely with the CRASH unit to locate the individuals on the illegal re-entry list. There were instances in which the LAPD would finish questioning a suspect and then call a member of the VGTF to ask if the person they were questioning was on the INS arrest warrant list or illegal alien list. An INS agent would then go to the Rampart station to question the individual. Even if the subject was not on the INS arrest warrant list, the INS would detain the person if it determined that he or she was not in the country legally. If the person had a criminal record and had re-entered the United States after being deported, he or she would be considered for prosecution. Otherwise, the individual would be subject to deportation proceedings.

There were also instances in which the LAPD helped the INS find an individual on the illegal re-entry list. For example, if a CRASH officer saw five or six individuals standing on a street corner and believed that the named individual was among them, the VGTF agents, with the CRASH officers backing them up and assisting them, would approach the five or six individuals and detain and question them. Whether the named individual was among them or not, the VGTF agents would ask the detainees about their legal status. If INS determined that an individual was in the country illegally – because the individual was on the illegal re-entry list or in a database, or by his or her own admission – he or she would be detained, held overnight, and then brought for questioning the next day by INS agents. These interviews generally took place either at the Rampart station or the INS offices downtown. If any of these individuals satisfied the U.S. Attorney's guidelines for illegal re-entry prosecution, they would be referred for prosecution. Otherwise, they would be subject to deportation.

According to the INS, the procedures outlined above did not cause the LAPD to violate Special Order 40 because the LAPD did not "initiate police action with the objective of discovering the alien status of a person." The INS acknowledged, however, that it could appear that LAPD officers were stopping people for the sole purpose of questioning them about their immigration status, because (1) the LAPD and INS officers were probably dressed the same, and (2) the LAPD was backing up the INS agents on these stops. In fact, because the INS agents were in plain clothes, the only presence of law enforcement that individuals on the street would see would be the black and white LAPD police car.

It can be argued that the LAPD's cooperation did not actually violate Special Order 40 because the INS agents, not the LAPD officers, inquired about a person's immigration status and arrested undocumented persons for immigration violations. Nevertheless, the cooperation described by INS is troubling for several reasons. First, the LAPD captains at Rampart were unaware of any contacts between LAPD officers and INS agents. Second, such cooperation creates the appearance that LAPD officers were engaged in a police action that had the objective of assisting INS to enforce the immigration laws in violation of the spirit of Special Order 40. Finally, whether or not the INS agents know that an LAPD officer wants someone deported (because, for example, the person had filed a complaint against an officer or for some other reason), such cooperation gives an LAPD officer the opportunity to effect the deportation of undocumented persons for improper reasons. Thus, it is imperative that any cooperation provided by LAPD officers to INS be approved and closely monitored by LAPD supervisors.

5. The LAPD lacks adequate records of citizen complaints about violations of Special Order 40.

The LAPD also does not separately identify citizens' complaints about violations of Special Order 40. Thus, although immigrant rights groups interviewed by members of the Panel reported that hundreds of such complaints have been filed during the past five years, the LAPD could find none. According to these organizations - and to their great frustration - none of these alleged complaints had been sustained.²⁵

²⁵ Indeed, the Coalition for Humane Immigrant Rights of Los Angeles indicated that the LAPD recently *promoted* an officer, the organization contends, who repeatedly threatened to

Members of the Latino community and other minority communities agree that the majority of officers will not improperly question an individual about his or her alien status. Representatives of the Latino community, however, have made numerous formal complaints about certain officers' violations of the order, and they contend that these complaints have been ignored without exception.

The most persistent complaints are that Latino day laborers and street vendors have been targeted by some officers who work in the areas where the laborers work and by officers who appear to act overzealously to protect the rights of business owners and others who complain about the street vendors. Many people who pursue these jobs have the proper documentation, while others do not. Regardless of their immigration status, there are reports that certain LAPD officers will threaten to deport them and their families as a way of forcing them to leave the sidewalks or street corners.

According to the Coalition for Humane Immigrant Rights of Los Angeles, these threats have undermined the Latino community's trust in the LAPD. Many Latino immigrants are from countries where the police are corrupt and violent oppressors. When they come to the United States, Latino immigrants – properly documented or not – are wary of the police and reluctant to report crimes or assist in the investigation and prosecution of crimes. Eliminating this reluctance is one of the central justifications for Special Order 40. If Latinos do not fear that they or their families will be deported, they would be more likely to approach and assist the LAPD.

All violations of Special Order 40, even those focused only on a discrete group of immigrants such as day laborers, put the entire foundation of Special Order 40 at risk. The day laborers themselves will not trust LAPD, and they will relate their experiences with their friends and family members. When an LAPD officer threatens one day laborer, the repercussions echo throughout an entire segment of the Latino immigrant community.

Notwithstanding persistent complaints from the Latino and immigrant communities, the LAPD does not maintain separate records of alleged violations of its Special Order 40 policies and procedures. Thus, it is virtually impossible for the Office of the Inspector General to audit the Department's handling of these complaints to ensure that LAPD officers are complying with these policies and procedures and that it is fairly investigating and adjudicating these complaints.

deport numerous day laborers – many of whom were legally in the country.

Recommendations

1. **The LAPD Manual provisions based upon Special Order 40 should be revised to conform to existing practices and provide further guidance to LAPD officers as to the Department's policies and procedures regarding undocumented aliens.**

The LAPD Manual should provide, consistent with current policies and practices, that LAPD officers are not supposed to inquire about a person's immigration status. The Manual should also provide specific guidelines setting forth when it is appropriate for LAPD officers to have contacts with INS. For example, it should provide that LAPD officers may provide information to INS agents in response to requests for information regarding a person's criminal activities or known whereabouts, and they may assist INS in the execution of arrest warrants for criminal violations. It should also provide that LAPD officers must have the supervisory approval before they provide assistance to INS and any participation by LAPD officers in a task force with INS agents must be authorized by a bureau commander or above.

2. **The Department should provide specialized training to officers regarding its policies and procedures under Special Order 40.**

Once the Manual is revised, all officers should be provided training regarding the LAPD's policies and procedures respecting undocumented aliens to ensure compliance with the revised Manual.

3. **The Department needs to maintain records of its contacts with INS.**

The Department lacks adequate records of its contacts with INS. It should mandate that any officer contact with the INS, including any referral to the INS, be recorded. Such recordation should include the time and date of the contact, the identity of the LAPD officer and the identity of the INS agent who was contacted, the circumstances surrounding the contact, the specific purpose for the contact, and the outcome of the contact. These records should be maintained in a separate location and should be readily available for audit and/or review by the Police Commission and the Office of the Inspector General. Records of visits by INS agents to LAPD facilities should also be maintained.

4. **The public should be educated about the Department's policies and procedures, what the police are and are not permitted to do in dealing with undocumented aliens, and the LAPD's efforts to ensure compliance with its policies and procedures.**
5. **INS agents should not be permitted to work out of a community police station without the express permission of the watch commander endorsed by the bureau commander.**
6. **Complaints of Special Order 40 violations – including threats of deportation – should be maintained as a separate subgroup of allegations within the discrimination classification.**

The Office of the Inspector General should periodically audit the Department's handling of these complaints to ensure compliance with the Department's policies and procedures as reflected in the revised Manual.

