

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."

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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

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