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Enforcement of Immigration Laws (Supersedes DB 19-029)

This bulletin supersedes DB 19-029, adding information regarding the use of California Databases for immigration enforcement purposes.

Members are reminded it is the policy of the San Francisco Police Department to foster respect and trust between law enforcement and residents, to protect limited local resources, to encourage cooperation between residents and City officials, including law enforcement and public health officers and employees, and to ensure community security. It is also Department policy, consistent with its obligations under state and federal law, to adhere to the City of Refuge Ordinance, San Francisco Administrative Code Section 12H.2. This ordinance prohibits the use of City resources to assist in the enforcement of federal immigration laws or to gather or disseminate information regarding release status of individuals including but not limited to **date, time, or location** and any other such personal information as defined in Chapter 12I.

Administrative Code 12I.2 defines “personal information” as “any confidential, identifying information about an individual including, but not limited to, home or work contact information, and family or emergency contact information.” Members shall not threaten to release any personal information to federal immigration authorities or threaten individuals with deportation or removal proceedings.

In accordance with the City of Refuge Ordinance and state law, members of the Department shall adhere to the following:

1. **DETENTION:** Members shall not stop, question, or detain any individual because of the individual’s national origin, foreign appearance, or immigration status, or who are Limited English Proficient. (See San Francisco Administrative Code 91.2, DGO 5.20, *Language Access Services*, DGO 5.03, *Investigative Detentions*). Members shall not inquire into an individual’s immigration status.
2. **DOCUMENTS:** In the course and scope of their duties (e.g., traffic enforcement, investigations, taking reports, etc.) members shall not require individuals to produce any document to prove their immigration status; see DGO 5.06, *Citation Release*.
3. **ASSISTING ICE/CBP:** Members shall not enforce immigration laws or assist ICE/CBP in any investigation, detention, or arrest procedures, public or clandestine, where in any such instance the express or implied purpose is the enforcement of federal immigration laws.

4. GOVERNANCE OF CALIFORNIA DATABASES: Per California Government Code section 7284.4(f), “Members shall not use any non-criminal history information contained within the California Department of Justice databases including Cal-Photo, California Law Enforcement Telecommunication System (CLETS), and the Department of Motor Vehicles, for immigration enforcement purposes. This restriction does not pertain to any information that is regarding a person’s immigration or citizenship status pursuant to 8 U.S.C. sections 1373 and 1644.3.”

Nothing in this bulletin precludes officers from providing an emergency response to members of outside law enforcement agencies when the Officer-in-Charge determines there is a significant and immediate danger to public safety or to outside law enforcement agencies, as outlined in DGO 5.15, ***Enforcement of Immigration Laws***. In no event shall members assist ICE/CBP with the enforcement of federal immigration laws, except as required by federal or state law. In such cases, once scene safety has been established, members shall notify their immediate supervisor of the incident. That supervisor shall respond to the scene and ensure that such assistance was warranted. Members involved in providing emergency back-up assistance shall file an incident report describing their reasons for their assistance.


WILLIAM SCOTT
Chief of Police

Per DB 19-156, both sworn and non-sworn members are required to electronically acknowledge receipt and review of this Department Bulletin in HRMS. Any questions or clarification regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional guidance about the directive.