428.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to members of the CSU Bakersfield Police Department (UPD) related to the actual or perceived immigration status of suspects, victims of crimes, witnesses in investigations, or other related police operations. The California State University is proud of the diversity of its students and employees and strive to foster a campus community where all members of our university community are not hesitant or afraid to come forward or interact with the UPD for fear of intervention by U.S. Immigration and Customs Enforcement (ICE). The UPD is committed to providing an environment in which all students and employees can pursue their studies, careers, and professional development successfully.

428.2 DEPARTMENT POLICY
It is the policy of the UPD that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

428.2.1 VICTIMS AND WITNESSES
To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not lead to immigration inquiry and/or deportation.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement during times of crisis or to report suspicious or criminal activity will not make them vulnerable to deportation. Members shall treat all individuals equally and without regard to immigration status in any way that would violate the United States or California Constitutions.

Members should avoid actions that create a disincentive to report crime, or to offer testimony as a witness to a crime. Members should not attempt to determine the immigration status of crime victims and witnesses. When determining the identity of a crime victim or witness, the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources. The UPD recognize the university-issued Runner Card as a reliable source of identification when able to verify. Members shall not record any information regarding an individual's immigration status, citizenship status or country of birth, including when interviewing victims or witnesses except as related to U-VISA/T-VISA Nonimmigrant Status unless such information is relevant evidence in a criminal case.”
Immigration Violations

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS
Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE) and not the UPD. ICE has primary jurisdiction for enforcement of federal immigration laws, including those in Title 8, United States Code.

428.3.1 BASIS FOR CONTACT
Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is or is suspected of being an undocumented alien shall not be the sole basis for contact, detention, questioning, or arrest.

428.3.2 SWEEPS
The UPD does not conduct or participate in sweeps or other concentrated efforts to detain suspected undocumented aliens. The UPD does perform sweeps for the purpose of maintaining campus safety and order or for officer safety needs, but not for the purpose of detaining suspected undocumented aliens.

When public safety enforcement efforts are increased in a particular area for campus safety and order or for officer safety needs, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE
Requests by ICE, or any other federal agency enforcing federal immigration law, for assistance from the UPD shall be immediately forwarded to the Chief of Police or a Lieutenant unless an emergency lifesaving or officer safety situation exists. In this situation, notification will be made as soon as possible. The Chief or Lieutenant will act as a liaison with on-site officials, and will coordinate with CSU or campus counsel from the Office of General Counsel to provide guidance, references and resources available. If the request for assistance is approved by the Chief or Lieutenant in consultation with the Office of General Counsel, assistance will be limited as follows (or on a more limited basis as specified): the UPD may provide officer safety and available support services, such as traffic control or peacekeeping efforts, solely for campus safety and to avoid disruption of University programs and services. Members of the UPD should not participate in such federal operations as part of any detention team unless it is for emergency campus and/or officer safety needs. Any detention by a member of the UPD should be based upon the reasonable belief that an individual is involved in criminal activity other than civil violation of federal immigration laws (e.g., unauthorized entry or visa expiration) or a related civil warrant.

428.3.4 IDENTIFICATION
Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony) other than a civil violation of federal immigration laws (e.g., unauthorized entry or visa
Immigration Violations
expiration) or a related civil warrant, the investigating officer should take reasonable steps to
determine the person's identity through valid identification or other reliable sources such as the
CSU Bakersfield Runner Card when verified through UPD records.

428.3.5 ARREST
If the officer intends to take enforcement action and the individual is unable to reasonably
establish his/her true identity, the officer may take the person into custody on the suspected
criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the
circumstances). A field supervisor shall approve all such arrests.

It is the policy of the UPD, that the Department shall not notify ICE of individuals who are taken
into custody, except as required by law.

If an arrested person meets the UPD criteria to be transported and booked into the Kern County
Jail, that person may be subject to County Jail procedures related to the immigration enforcement
and notifications according to County Jail operation procedures, which the UPD does not control
or influence.

428.3.6 BOOKING
If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon
approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.
A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any
Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose
of establishing his/her true identity. Regardless of the status of that person's identity at the
expiration of two hours, he/she shall be released on his/her signature with a promise to appear in
court for the Vehicle Code infraction or misdemeanor involved.

428.4 ENFORCEMENT
The UPD will not enter into agreements with the Department of Homeland Security, state or local
law enforcement agencies, or any other federal department for the enforcement of federal
immigration law, except as consistent with California Government Code §§ 7282 and 7282.5 or
as required by law.

The UPD will not honor immigration hold requests, unless consistent with California Government
Code §§ 7282 and 7282.5 or as required by law.

An individual(s) shall not be stopped or detained solely for purposes of determining their
immigration status.

An officer should not detain any individual, for any length of time, solely for a civil violation of
federal immigration laws (e.g., unauthorized entry or visa expiration) or a related civil warrant.
**Immigration Violations**

A foreign national shall not be arrested by the UPD solely for alleged undocumented entry into the United States.

The UPD will not maintain a database or aid federal efforts to create a registry regarding an individual's immigration status, citizenship status, country of birth or based on any other protected characteristics of victims, witnesses or suspects of crimes unless required by law.

**428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U); 8 USC § 1101(a)(15)(T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Investigations sergeant assigned to supervise the handling of any related case. The Investigations sergeant should do the following:

(a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.

(b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.

(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.

(d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.

(e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.

**428.4.2 HUMAN TRAFFICKING T-VISA**

Officers and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and documents needed for a T-Visa application within 15 business days of the first encounter with the victim, whether or not it is requested by the victim (Penal Code § 236.5).

**428.5 TRAINING**

The training manager shall ensure that all members receive immigration status training on how to implement this policy.