



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



523.07 CONTACTS WITH FOREIGN NATIONALS 04-15-26

PURPOSE

The purpose of this order is to establish procedures for contacts with foreign nationals, including as victims or suspects of crimes or infractions, witnesses in investigations, or subjects involved in accidents.

POLICY

It shall be the policy of the Sacramento Police Department (SPD) to provide equal enforcement of the law and equal service to all members of the public regardless of an individual's immigration status. Because the responsibility for enforcement of federal immigration laws rests solely with the U.S. Immigration and Customs Enforcement Agency (ICE) under the direction of the Department of Homeland Services (DHS) and not with state or local law enforcement agencies, the SPD will not initiate police action based solely on an individual's immigration status.

PROCEDURE

A. DEFINITIONS

1. FOREIGN NATIONAL – Any person who is not a citizen of the United States, including those who have not become naturalized under United States law.
2. HOLD REQUEST – Also known as an “immigration detainer” or “federal administrative warrant,” is a request by ICE, to a jail or other holding facility to notify ICE when a subject in custody will be released and, if necessary, to hold the person up to an additional 48 hours to allow ICE to take custody of the subject. A hold request is an administrative request and is not an arrest warrant or order issued by a court of law.
3. IMMIGRATION AUTHORITIES – Any federal, state, or local officer, employee or person performing immigration enforcement functions as defined in CA Government Code § 7284.4(c).
4. JUDICIAL WARRANT – a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.
5. T VISA – Temporary nonimmigrant status that enables certain victims of a severe form of trafficking in persons to remain in the United States for an initial period of up to 4 years if they complied with any reasonable request for assistance from law enforcement in the detection, investigation, or prosecution of human trafficking or qualify for an exemption or exception.
6. U VISA – Nonimmigrant status set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.

B. GENERAL

1. SPD employees shall not, while in the course and scope of employment, use any City funds or resources to enforce federal civil immigration law, including, but not limited to:
 - a. Investigating, interrogating, or collecting information about an individual solely to determine his or her immigration status, except as required to comply with Title 18, United States Code (USC) § 922(d)(5) or to certify an individual who has been identified as a potential victim under Title 8 USC, § 1101(15)(T) or § 1101(a)(15)(U).
 - b. Arresting, detaining, or continuing to detain a person solely on the belief that the person is not present lawfully in the United States or on the basis of alleged violation(s) of the civil provisions of federal immigration laws.



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- c. Arresting, detaining, or continuing to detain a person solely on the basis of an immigration detainer, federal administrative warrant, or hold request when such detainer, warrant, or hold request is based solely on alleged violation(s) of the civil provisions of federal immigration laws.
 - d. Notifying the federal government about the release or pending release of any person detained, arrested, or imprisoned solely on the basis of alleged violation(s) of the civil provisions of federal immigration laws.
 - e. Providing or responding to requests for confidential information about an individual, including, but not limited to, information about the individual's home address, work address, person's status as a victim of domestic abuse or sexual assault, sexual orientation, or disability solely on the basis of alleged violation(s) of the civil provisions of federal immigration laws.
 - f. Detain or arrest an individual solely on the basis of alleged violation(s) of the civil provisions of federal immigration laws.
 - g. Include, on any application, questionnaire, or interview form used in relation to benefits or services provided by the City, any question regarding immigration status other than those required by federal or state laws.
 - h. Inquire into any individual's immigration status or request to examine any individual's documents relating to his or her immigration status for the sole purpose of establishing his or her status, unless for the purpose of complying with Penal Code § 834c.
 - i. Detaining an individual on the basis of a hold request.
 - j. Make or intentionally participate in arrests based solely on civil immigration warrants.
 - k. Perform the functions of an immigration officer.
 - l. If immediate assistance is requested by Federal Law Enforcement, nothing in this policy shall prohibit the SPD from managing the flow of traffic, peacekeeping, ensuring officer safety, or other activities to prevent personal injury or property damage.
2. SPD employees are NOT prohibited from engaging in the following:
- a. Investigating, enforcing, detaining, or arresting an individual who unlawfully enters or attempts to reenter the United States following removal based on conviction of a federal aggravated felony, provided that such entry or attempted reentry is detected during unrelated law enforcement activity.
 - b. Responding to a request for information about an individual's criminal history as long as it is not solely on the basis of alleged violation(s) of civil provisions of federal immigration laws, and the need to know is justified.
 - c. Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa.
 - d. Inquiring into an individual's immigration status for the sole purpose of complying with Penal Code § 834c, which sets forth mandatory notification requirements to certain foreign consulates when a foreign national will be detained longer than two hours.
 - e. Verifying citizen status for the purposes of employment and compliance with California Government Code (GC) §§ 1031 and 1031.5.
 - f. Arresting an individual with a judicial warrant as defined in California Government Code § 7284.4(i).
3. SPD employees shall not participate in joint law enforcement task forces with federal law enforcement agencies if the primary purpose of the joint task force is related to immigration enforcement.
- a. If SPD employees participate in a joint law enforcement task force with federal law enforcement agencies for purposes other than immigration enforcement on an ongoing basis, the Department shall submit a report annually to the California Department of Justice



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containing the following information:

- (1) The purpose of the task force.
- (2) The federal, state, and local law enforcement agencies involved.
- (3) The total number of arrests made during the reporting period.
- (4) The number of persons arrested for immigration enforcement purposes.

b. If more than one California law enforcement agency participates in a joint law enforcement task force with federal law enforcement agencies as described in B.4.a., the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

4. SPD employees are not required to notify immigration authorities when they have arrested a person for a criminal offense and have reason to believe that such person may not be a United States citizen.
5. Nothing in this General Order prohibits or restricts any SPD employee from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of a person pursuant to Title 8 USC, §§ 1373 and 1644.

C. ARREST OR DETENTION OF FOREIGN NATIONALS

1. When foreign nationals are arrested or detained for more than two hours, they must be advised of the right to have their consular officials notified without unreasonable delay.
2. When any officer arrests and books or detains any foreign national for more than two hours, that officer shall attempt to determine the foreign national's country where they hold citizenship.
3. If the person does not speak English, officers shall attempt to determine what language the individual speaks and determine if another available employee can translate, obtain a translator who can speak the individual's language, or utilize contracted language services.
4. Officers should provide the following admonition if it is believed the arrested or detained individual is a foreign national:

"If you are not a citizen of the United States, we are required to inform you that you have the right to speak with your consular official because you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you while you are being detained and in custody. Even if you choose not to speak with your consular official, we are still required to notify your country's consulate that you have been arrested or detained."

5. If the foreign national's country is on the mandatory notification list (see PC § 834c), the officer shall, without delay, notify the appropriate consulate of the following:
 - a. Name of the arrestee or detainee.
 - b. Reason for arrest or detention only if requested by the consular official.
 - c. Location where the foreign national will be held.
6. Should an officer be unable to determine the individual's country from available paperwork, or should the individual remain silent or refuse to provide the requested information, the attempt to obtain the information shall be documented in a report, or if possible, the admonition and silence/refusal recorded on a body worn camera.
7. If the foreign national's country is not on the mandatory notification list (see PC § 834c), the officer shall:
 - a. Advise the foreign national as follows:

"If you are not a citizen of the United States, we are required to inform you that you have the right to speak with your consular official because you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you while you are being detained and in custody. If you want us to notify your country's consular officials, you can request this notification now or at any time in



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the future. Do you want us to notify your country's consular officials?"

- b. If the foreign national so chooses, notify the appropriate consulate of the following:
 - (1) Name of the arrestee or detainee.
 - (2) Reason for arrest or detention only if requested by the consular official.
 - (3) Location where the foreign national will be held.

8. Officers who arrest and book or detain a foreign national for more than two hours shall document whether the foreign national agreed to or declined to communicate with their consulate and whether the consulate was notified and the reasons why or why not in the appropriate report. If possible, officers may record the admonition and the individual's refusal to provide additional information on a body worn camera.

D. SPD RESPONSE PROTOCOL TO A FEDERAL LAW ENFORCEMENT OPERATION

1. Requests for information on a federal enforcement action should be referred to the Public Information Office of the involved federal law enforcement agency. The SPD communications center maintains a contact list for referrals.
2. Officer Responsibilities:
 - a. When responding to calls for service where it is unclear if there is a potential federal law enforcement action occurring, officers shall:
 - (1) Determine if a crime is occurring or if the call for service is a federal law enforcement action.
 - (2) Verify the federal law enforcement agency.
 - (3) When practical attempt to identify the federal law enforcement supervisor on-scene.
 - b. Once it is determined that the incident is a federal enforcement action, the role of department personnel on scene is strictly limited to the following core functions:
 - (1) Maintaining public and officer safety: This remains the primary objective. Officers shall take only those actions necessary to safeguard lives and property, in accordance with law and policy. This may include maintaining a safe perimeter or directing traffic to ensure public safety.
 - c. If it is determined that the incident does not involve federal enforcement actions and no federal officers are involved, officers shall conduct the appropriate criminal investigation.
 - d. If asked, officers may provide clear communication to bystanders, reassuring them of the SPD's neutral role and explaining that officers are present, only to ensure public safety, not to assist any civil immigration enforcement action.
 - e. If the circumstances do not require a crime report or information report, officers shall document a brief summary of the incident on the CAD call.
3. Supervisor Responsibilities:
 - a. To ensure proper oversight and adherence to SPD and City policies involving federal immigration enforcement actions that the police department responds to, supervisors should:
 - (1) Respond to all federal immigration enforcement requests for assistance.
 - (2) Notify the on duty watch commander of the incident.
4. Communications Responsibilities:
 - a. Communications personnel shall notify a field supervisor when contacted regarding any potential federal enforcement activity.
 - b. Communications personnel shall notify a field supervisor, watch commander, and a dispatch supervisor of any calls received regarding possible federal enforcement action that do not rise to the level of entering a call for service.