

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

HANDLING OF ALIENS
SUBJECT

DATE: July 24, 2013

TO: P-14

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

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I. POLICY

- A. Sworn personnel of the Stockton Police Department will arrest aliens believed to be in the United States illegally, for violations of law within the jurisdiction of the Stockton Police Department.
- B. Sworn personnel of the Stockton Police Department shall not stop and question, detain, arrest or place "an immigration hold" on any person not suspected of crimes, solely on the grounds that they may be deportable aliens.

II. LAW

- A. Officers taking an alien into custody charged with being in the United States illegally will do so on the basis of "Public Law 414" of the United States Code, Section 241 (a) 2.
 - 1. 241 General Classes of Deportable Aliens: Any alien in the United States (including an alien crewman) shall, upon the order of the Attorney General be deported who:
 - (a) Entered the United States without inspection or any time of such entry or place other than as designated by the Attorney General or is in the United States in violation of this act or in violation of any other law of the United States."
- B. Before an alien can be charged under "Public Law 414, "there must be sufficient evidence and not mere suspicion.
 - 1. One June 23, 1978, the United States Attorney General stated that the Department would continue to urge states and local police forces to observe the following guidelines:
 - a. Do not stop and question, detain, arrest or place "an immigration hold" on any person not suspected of crimes, solely on the grounds that they may be deportable aliens;
 - b. Upon arresting an individual for a non-immigration criminal violation, notify the Border Patrol immediately if it is suspected that the person may be an undocumented alien so that the service may respond appropriately.

III. PROCEDURE

- A. Arrests of Aliens
 - 1. The U.S. Border Patrol Office must be notified in any case in which a violation of "Public Law 414," or a suspected violation occurs and an individual is apprehended.

2. Such notification generally will be completed via a telephone call to the Border Patrol Office. The officer should provide enough information for the Border Patrol, on a routine item, to enable that office to follow-up the next day, as is their policy.
 - a. In those cases which require direct contact with a Border Patrol representative during other than regular working hours, refer to the Telecommunications Center.
3. If the arrest is for violation of "Public Law 414" and for a criminal charge, the person will be booked in San Joaquin County Jail. Notation will be made on the San Joaquin County Jail Booking Slip that the person arrested is being held for an additional charge of Public Law 414.
4. In three specific instances, the officer handling the case MUST contact Border Patrol personnel and advise of the situation before a suspect can be booked in the San Joaquin County Jail:
 - a. Arrest of a person for violation of Public Law 414, or apprehension of a person suspected to be in violation of Public Law 414.
 - b. Apprehension of a person who is a suspect in a crime and suspected of violation of Public Law 414.
 - c. Apprehension of a person who is found by the officer to have an expired or improper visa or passport.
5. Handling of aliens.
 - a. Officers handling aliens should obtain the following information from the alien: name, race, sex, age, birth date, address, and alien registration number.
 - (1) The registration number will aid in locating subject at a later date and eliminate confusion cause by similarity of names.