STOCKTON POLICE DEPARTMENT

GENERAL ORDER

HANDLING OF UNDOCUMENTED IMMIGRANTS

SUBJECT

DATE: January 12, 2023

TO: P-14

FROM: CHIEF STANLEY MCFADDEN

TO: ALL PERSONNEL

INDEX: Handling of Undocumented Immigrants

Detention and Arrests of Undocumented Immigrants

I. POLICY

It is the policy of the Stockton Police Department to foster respect and trust between law enforcement and residents, to protect limited local resources, to encourage cooperation between residents, City officials, and law enforcement, and to ensure community security. This policy generally prohibits the use of City resources to assist in the enforcement of federal immigration laws, except as required by federal or state law.

General Prohibition

A. Pursuant to the California Values Act, California Government (Cal. Gov.) Code §7284, et seq., Department personnel shall not stop, question, detain, arrest or place "an immigration hold" on any person solely on the ground that they may be an undocumented immigrant.

II. DETENTION AND ARREST

A. The policy of the Stockton Police Department in relation to undocumented immigrants is as follows:

1. Officers will not detain or question a person for the purpose of discovering either the person’s citizenship or status under civil immigration laws.
2. Officers will not detain or arrest any person based on the person’s citizenship or status under civil immigration laws.
3. Notwithstanding Sections “a” and “b” above, nothing in this policy is intended to restrict officers from exchanging information deemed “for law enforcement use only” which is otherwise prohibited for release to the public under the Government Code with any other federal, state, or local government entity.
4. Officers arresting undocumented immigrants will adhere to all other arrest procedures set forth in these General Orders.

III. COMMUNITY PROTECTION

A. Otherwise, law-abiding, undocumented immigrants should not fear arrest or deportation for coming forward to members of the Stockton Police Department to report a crime as a victim or a witness.

B. The responsibility for enforcement of civil immigration laws rests with the U.S. Immigration and Customs Enforcement. Members of the Stockton Police Department will not initiate police action where the primary objective is to discover if the person is an undocumented immigrant or to discover the status of the person under civil immigration laws.

IV. COOPERATION WITH OTHER AGENCIES

A. The Stockton Police Department will continue to cooperate with the U.S. Immigration and Customs Enforcement in matters involving serious crimes, the protection of public safety, and as required by statute, federal regulation, or court decisions.