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May 9, 2025

**VIA ELECTRONIC MAIL [Email]**

Honorable Mayor and Members of the Berkeley City Council  
[Council@berkeleyca.gov](mailto:Council@berkeleyca.gov)  
2180 Milvia Street  
Berkeley, CA 94704

Chief Jennifer Louis  
[jlouis@berkeleyca.gov](mailto:jlouis@berkeleyca.gov)  
2100 Martin Luther King Jr. Way  
Berkeley, CA 94704

**Re: Urgent Request to Rescind Mutual Aid Agreement 3.1 with U.S. Citizenship and Immigration Services (USCIS)**

Dear Mayor, Councilmembers, and Chief Louis,

I write with profound concern and urgency on behalf of the Police Accountability Board (PAB) to request that Berkeley City Council and the Berkeley Police Department (BPD) jointly rescind BPD's Mutual Aid Agreement with the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), identified as Item 3.1 in BPD's Compendium of Mutual Aid Agreements.<sup>1</sup>

As you know, the City of Berkeley has a long-standing commitment to being a sanctuary city and protecting its immigrant community members—a commitment reaffirmed most recently by Resolution No. 71,658-N.S. adopted on January 21, 2025.<sup>2</sup> The resolution recognized that, “in

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<sup>1</sup> See Exhibit 1, General Understanding between the BPD and Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS)

<sup>2</sup> City of Berkeley Resolution No. 71,658-N.S.:

<https://records.cityofberkeley.info/PublicAccess/api/Document/AYUS1dZyflBbntIsTpldY85llnDGSxV0TmwiXhSvn5sQpSF%C3%81S3RMv%C3%81gfLSCOyyWxZoEhgJTriXeET08RYRRAMU4%3D/>

the interest of public safety, it is important to create an environment in which people feel comfortable interacting with local law enforcement, not eroding that trust by permitting local police officers to assist federal immigration enforcement.” That promise to our immigrant community members is especially important to keep in light of the draconian, arbitrary, and merciless targeting of both documented and undocumented immigrants around the country and in the East Bay.

When the Council last approved BPD’s agreements with other law enforcement agencies in 2018, our community was similarly endangered. In response, the Council passed Resolution No. 63,711-N.S., which prohibited any City agency or officer from “assist[ing] in the enforcement of Federal immigration law or to gather or disseminate information [about the immigration] status of individuals in the city of Berkeley.”<sup>3</sup> As part of that effort, the Council rescinded BPD’s mutual aid agreement with U.S. Immigrations and Customs Enforcement (ICE), Item 3.4.<sup>4</sup> BPD now follows its Policy 415 Immigration Law for all matters related to immigration and interacting with federal immigration officials.<sup>5</sup>

The Council, however, did not rescind Item 3.1, BPD’s agreement with USCIS, for reasons unknown to the PAB. Under the operative agreement with USCIS, BPD may “request[] the assistance of USCIS to locate noncitizen persons who are suspects in criminal matters or for whom arrest warrants have been issued.”<sup>6</sup> The rationale for the agreement described in Item 3.1 is that “USCIS maintains esoteric information not immediately available, but potentially valuable to, the Police Department and its bona fide criminal investigations.” In meetings with BPD representatives, the PAB confirmed that the agreement is currently operational and that BPD has occasionally communicated with DHS and USCIS for law enforcement purposes.<sup>7</sup> However, under Berkeley Municipal Code (BMC) Section 2.04.190, such agreements are only valid for one year after City Council approval and must be renewed through a process of disclosure, public hearing, and documentation. While the Council has not renewed any of these agreements—including Item 3.1—since 2018, the PAB understands that BPD is currently working to review and renew them to restore compliance with the BMC.

BPD’s agreement with USCIS causes the PAB great concern. While USCIS is not the primary immigration enforcement agency, USCIS routinely assists ICE in immigration

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<sup>3</sup> City of Berkeley Resolution No. 63,711-N.S.:

<https://records.cityofberkeley.info/PublicAccess/api/Document/ATvCwm31bm%C3%81HIMt6xc%C3%89nUVP1n4COf%C3%89iaZ2yTDa9jan5dZ%C3%81VZeWq35YAAfxMdVHG9c9CoJiSyQUzHbgZvXfgF8Fw%3D/>

<sup>4</sup> See Exhibit 2, General Understanding between the BPD and Department of Homeland Security, U.S. Immigrations and Customs Enforcement (USICE)

<sup>5</sup> See Exhibit 3, BPD Policy 415 “Immigration Law”

<sup>6</sup> See Exhibit 1.

<sup>7</sup> During the PAB’s public meeting on May 7, 2025, BPD’s representative Deputy Chief Jen Tate said that Item 3.1 was “irrelevant” because Policy 415 Immigration Law controls BPD’s interactions with federal immigration officials. See the PAB’s May 7, 2025 Regular Meeting recording between timestamps 18:30–27:25:

<https://youtu.be/pL5VhNQDU60?si=Tvbvfo1NupnGw74Q>. As discussed in this letter, the PAB notes that Policy 415 is silent on the circumstances contemplated in Item 3.1—when BPD may make a request to federal immigration officials for a *law enforcement purpose*, as opposed to an immigration enforcement purpose. The PAB also notes that the issue is not whether Item 3.1 is relevant, but whether it is operational.

enforcement.<sup>8</sup> This last week, a USCIS spokesperson proudly announced that in the first 100 days of the Trump Administration, the agency “put a stop to disastrous Biden-era ‘humanitarian’ policies that invited fraud and allowed criminal aliens to legally live and work in our communities [and] facilitated arrests of criminals attempting to gain immigration benefits.”<sup>9</sup> The Trump Administration continues to strengthen data-sharing agreements between USCIS, ICE, and other federal agencies.<sup>10</sup> In this environment, distinguishing between city agency interactions with USCIS and ICE is both unwise and virtually impossible.

As noted, Berkeley’s sanctuary city resolution prohibits BPD officers from requesting or disseminating information about the immigration status of individuals in Berkeley. In practice, it seems unrealistic to expect BPD to “request[] the assistance of USCIS to locate noncitizen persons who are suspects in criminal matters or for whom arrest warrants have been issued” without sharing prohibited information with USCIS. The agreement itself notes that BPD would only request details from USCIS about *noncitizen persons*.<sup>11</sup> And even if BPD requested assistance from USCIS without sharing information regarding the immigration status of the suspect, BPD must at least provide USCIS with (1) a name and (2) the fact that individual is a criminal suspect—two pieces of information that USCIS can easily parlay into a case for deportation.<sup>12</sup>

The agreement with USCIS raises a broader issue for the Council to consider. Every policy and practice described above complies with Berkeley’s current sanctuary city policy, which emphasizes non-cooperation with federal *immigration* enforcement except as required by law. Berkeley’s sanctuary city policy is silent on when (or if) BPD may reach out to federal immigration officials or agencies to further a *law enforcement* purpose, like pursuing a criminal investigation. Because the line between immigration enforcement and law enforcement can be easily blurred, the Council should consider making explicit in what limited circumstances BPD may request assistance and respond to requests for assistance from federal immigration officials, even when doing so for a law enforcement purpose. The PAB would gladly accept a referral from Council to provide a recommendation on that issue.

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<sup>8</sup> U.S. Citizenship and Immigration Services. (2024, December 7). *USCIS assists in ICE investigation leading to arrest of 133 alien offenders in New York*. <https://www.uscis.gov/newsroom/news-releases/uscis-assists-in-ice-investigation-leading-to-arrest-of-133-alien-offenders-in-new-york>

<sup>9</sup> U.S. Citizenship and Immigration Services. (2025, April 29). *First 100 days: USCIS delivering on making America safe again*. <https://www.uscis.gov/newsroom/news-releases/first-100-days-uscis-delivering-on-making-america-safe-again>

<sup>10</sup> U.S. Citizenship and Immigration Services. (2025, April 21). *In strong partnership with ICE, USCIS is sharing critical data and leveraging advanced analytics to support President Trump’s EO on immigration* [Image attached] [Status update]. Facebook. [https://www.facebook.com/uscis/photos/in-strong-partnership-with-ice-uscis-is-sharing-critical-data-and-leveraging-adv/1088770703296056/?\\_rdr](https://www.facebook.com/uscis/photos/in-strong-partnership-with-ice-uscis-is-sharing-critical-data-and-leveraging-adv/1088770703296056/?_rdr)

<sup>11</sup> The PAB cannot confirm whether BPD successfully walks that fine line because there is no requirement that BPD maintain a written record of any request for information from USCIS.

<sup>12</sup> Signed into law on January 29, 2025, the Laken Riley Act *requires* the Department of Homeland Security to detain noncitizens “charged with” or “arrested for” a wide range of offenses, including misdemeanor shoplifting. See *Laken Riley Act, S. 5, 119th Cong. (2025)*: <https://www.congress.gov/bill/119th-congress/senate-bill/5/text>. This expanded directive to detain noncitizens not yet convicted of crimes should further caution against BPD disclosing information to federal immigration officials related to its own criminal investigations.

At the very least, we respectfully request that the Council and Berkeley Police Department jointly rescind Item 3.1, BPD's mutual aid agreement with USCIS. We also request that Council direct BPD to maintain a record of any official communication with any federal immigration agency, including ICE and USCIS, and include in the pending sanctuary city ordinance a limitation on when BPD may request information from federal immigration agencies. We respectfully request that BPD (1) annually certify that every officer has been trained to adhere to Berkeley's sanctuary city policy and BPD Policy 415 and (2) report to the Council and the public the number of and reason for any official communication with ICE, USCIS, or any other federal immigration agency. Doing so would strengthen the Council and BPD's commitment to maintaining our immigrant community's trust in local law enforcement and, importantly, the commitment to protecting the members of Berkeley's immigrant community.

Respectfully,



Joshua Cayetano, Chair  
Police Accountability Board

CC:

Paul Buddenhagen, City Manager  
David White, Deputy City Manager  
Jen Tate, Deputy Chief of Police  
Farimah Brown, City Attorney  
Mark Numainville, City Clerk  
Hansel Aguilar, Director of Police Accountability

Exhibits:

1. General Understanding between the BPD and Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS)
2. General Understanding between the BPD and Department of Homeland Security, U.S. Immigrations and Customs Enforcement (USICE)
3. BPD Policy 415 "Immigration Law"

# Exhibit 1

## CITY COUNCIL REVIEW / APPROVAL BINDER

**BERKELEY POLICE DEPARTMENT  
AGREEMENTS, LETTERS AND UNDERSTANDINGS RE  
MUTUAL AID, INFORMATION SHARING AND COOPERATION  
WITH OTHER LAW ENFORCEMENT, MILITARY ENTITIES, AND  
PRIVATE SECURITY ORGANIZATIONS  
(Berkeley Municipal Code §2.04)**

<b>Item #</b>	<b>3.1</b>
<b>Title:</b>	<b>FEDERAL: DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)</b>
<b>Type:</b>	General understanding
<b>Approvals:</b>	Initial: March 12, 1974 / Current: March 14, 2017
<b>Summary:</b>	The USCIS coordinates and monitors the entry and stay of non-citizen persons into the United States. The Police Department occasionally requests the assistance of USCIS to locate non-citizen persons who are suspects in criminal matters or for whom arrest warrants have been issued.
<b>Rationale:</b>	The USCIS maintains esoteric information not immediately available, but potentially valuable to, the Police Department and its bona fide criminal investigations. Maintaining effective professional relationships promotes public safety and serves the law enforcement mission. The Police Department complies with all Council Resolutions regarding the immigration status of its prisoners and detainees.
<b>Cost:</b>	If Approved: Cost will be neutral. Approval will continue to support current law enforcement activity, funded in existing budget.  If Not Approved: Effect on cost cannot be calculated. Reduced cooperation may increase criminal conduct, and create a "harbor" for offenders in our city limits. Additional investigative and enforcement costs would be borne by Police Department.
<b>Recommendation:</b>	Continued approval

# Exhibit 2

# CITY COUNCIL REVIEW / APPROVAL BINDER

**BERKELEY POLICE DEPARTMENT  
AGREEMENTS, LETTERS AND UNDERSTANDINGS RE  
MUTUAL AID, INFORMATION SHARING AND COOPERATION  
WITH OTHER LAW ENFORCEMENT, MILITARY ENTITIES, AND  
PRIVATE SECURITY ORGANIZATIONS  
(Berkeley Municipal Code §2.04)**

<b>Item #</b>	<b>3.4</b>
<b>Title:</b>	<b>FEDERAL: DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATIONS AND CUSTOMS ENFORCEMENT (USICE)</b>
<b>Type:</b>	General understanding, local ordinance prohibitions
<b>Approvals:</b>	Initial: April 20, 2010 / Current: March 14, 2017
<b>Summary:</b>	<p>The USICE enforces federal immigration and customs-related laws. They assist State and local law enforcement in the location of non-citizen violent offenders who have fled the United States to evade arrest and prosecution.</p> <p>Council Resolution No 44,784-NS (1971) designated Berkeley as a City of Refuge. Resolution No 63,711 reaffirmed this designation in 2007. The 2007 Resolution prohibits the use of City resources in support of USICE immigration investigations, and precludes the inquiry or sharing of a person's immigration status.</p> <p>With regard to the prohibitions of Resolution No 63,711, the Police Department may request investigative assistance from USICE to support state and local criminal investigations. The Police Department may, upon USICE request, provide "professional courtesy" stand-by security service at the location of a USICE investigation for the sole purpose of ensuring public and officer safety. Police Department will provide emergency life-safety assistance, and may investigate State/local crimes (e.g. an officer involved shooting) occurring in association with a USICE operation. No other administrative, logistical, or enforcement service is provided in support of a USICE immigration investigation/enforcement action.</p> <p>Chief Ambleton codified these directives in Department policy via written communication to management staff on January 30, 2008.</p>
<b>Rationale:</b>	Within the structure of local Resolution, maintaining a relationship with USICE is appropriate when investigating non-immigration local criminal cases in which the suspect is a non-citizen.
<b>Cost:</b>	<p>If Approved: Cost will be neutral. Approval will continue to support current law enforcement activity, funded in existing budget.</p> <p>If Not Approved: Effect on cost cannot be calculated. Reduced cooperation would increase the burden of enforcement and related activity; costs would be borne by the Police Department</p>
<b>Recommendation:</b>	Continued approval

# Exhibit 3

## Immigration Law

### 415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Berkeley Police Department relating to immigration and interacting with federal immigration officials. This policy includes elements from the California Government Code 7284, also known as the California Values Act, and from Berkeley City Council Resolution No. 68,131-N.S., "City of Refuge Policy Regarding Interaction with U.S. Immigration and Customs Enforcement".

#### 415.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

**Criminal immigration violation** - Any federal criminal immigration violation that penalizes a person's presence in, entry or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

**Judicial warrant** - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

### 415.2 POLICY

It is the policy of the Berkeley Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public, in compliance with California law and Berkeley City Council policy. 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 national origin or immigration status.

### 415.3 CITY COUNCIL RESOLUTIONS

The City of Berkeley was declared by City Council resolution to be a City of Refuge in 1971. Subsequent City Council resolutions in 1986, 2007, and 2016 reaffirmed and built upon the original policy. Most recently, on July 25, 2017, City Council provided city-wide policy under Resolution 68,131-N.S., which is incorporated within this policy in full below:

1. No department, agency, commission, officer or employee of the City of Berkeley shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information status of individuals in the City of Berkeley unless required by law.
2. No department agency, commission, officer or employee shall deny access to any City services or benefits to residents on the basis of their immigration status.
3. The prohibition set forth shall include but is not limited to:
  - (a) Assisting or cooperating, in one's official capacity, with any Department of Homeland Security (DHS) investigation, detention, or arrest procedures, public or clandestine, relating to alleged violations of the civil provision of federal immigration law, except as required by law.

# Berkeley Police Department

## Law Enforcement Services Manual

### *Immigration Law*

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- (b) Requesting information about, or disseminating information regarding, the immigration status of any individual, except as required by law.
- (c) Including on any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by the City of Berkeley any question regarding immigration status.
- (d) It is the policy of the City of Berkeley to not allow any individual or organization to enter City facilities if their presence would disrupt city operations. Because the City Council believes that ICE activities in city facilities would constitute a severe disruption to the provision of city services, any request by ICE to any City officer or employee shall be immediately forwarded to the site director/supervisor and the Department Director for review and consultation with the City Attorney to ensure the safety of City employees and residents accessing city services and compliance with applicable state and federal laws.
- (e) Except in limited circumstances where ICE agents have a valid judicial warrant, after review and consultation with the Department Director and City Attorney, City departments, agencies, commissions, officers or employees are not required to:
  - Cooperate with ICE agents
  - Answer ICE agents' questions
  - Comply with an ICE Administrative Warrant
  - Immediately comply with a subpoena served by ICE agents
  - Speak with ICE agents at all
- (f) City officers or employees shall not consent to a warrantless search by ICE agents of a non-public area or non-public City records
- (g) Employees must immediately notify site director/supervisor to report the interaction or warrants served. The site director/supervisor must immediately notify the Department Director for review and consultation with the City Attorney.
- (h) If any City resident has questions regarding their immigration status, City staff shall not refer them to Immigrations and Customs Enforcement or any other government agency. Instead City staff shall refer such individuals to local non-profit immigration law organizations. A list of such organizations shall be compiled and disseminated at City buildings and on the City's website. The City Manager is also encouraged to increase and enhance partnerships with community-based organizations, legal service providers, and educational institutions to provide resources for families and City residents facing deportation or other adverse immigration actions.
- (i) All requests for documents by ICE to City personnel shall be immediately forwarded to the Department Director for review and consultation with the City Attorney to ensure the safety of City employees and residents, and compliance with applicable state and federal laws.

# Berkeley Police Department

## Law Enforcement Services Manual

### *Immigration Law*

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#### **415.4 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 interacting with members of the Berkeley Police Department will not automatically lead to an immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members of the Berkeley Police Department shall treat all individuals equally and without regard to race, ethnicity or national origin in any way that would violate the United States or California constitutions.

#### **415.5 IMMIGRATION INQUIRIES PROHIBITED**

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

##### **415.5.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)**

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

##### **415.5.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES**

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

#### **415.6 DETENTIONS AND ARRESTS**

An officer shall not investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including: inquiring into an individual's immigration status; detaining an individual on the basis of a hold request; providing information regarding a person's release date in response to a notification request from immigration authorities; providing personal information about an individual including but not limited to the individual home address or work address; making or participating in arrests based on civil immigration warrants; assisting immigration authorities in enforcement activities, or performing the functions of an immigration officer. (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws, or a related civil warrant, or for any violation of federal immigration laws (Government Code § 7284.6).

#### **415.7 FEDERAL REQUESTS FOR ASSISTANCE**

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration Enforcement and Removal Operations (ERO) officials for assistance from this department should be immediately directed to the Watch Commander. ICE's ERO is the principal

# Berkeley Police Department

## Law Enforcement Services Manual

### *Immigration Law*

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immigration enforcement division. The Watch Commander shall be responsible for determining whether the requested assistance would be permitted under City policy and the California Values Act (Government Code § 7284.2 et seq.). The Watch Commander shall decline requests for assistance from ERO officials for immigration enforcement purposes, and notify the Chief of Police through the chain of command regarding the request as soon as practical.

Should a request be received for an urgent issue of officer safety or other emergency circumstance, the Communications Center should notify the Watch Commander or senior sergeant on duty, who should coordinate a response in order to make a scene safe, respond to the scene to manage the incident, and notify the Chief of Police through the chain of command as soon as practical.

Should a request be received for operational assistance from ICE's Homeland Security Investigations (HSI) unit, the Commander shall convey the request to the Chief of Police through the chain of command for consideration. HSI investigates transnational crimes which can imperil local community safety, such as Counter-Terrorism, Child Exploitation, Human Trafficking/Human Smuggling and Transnational Gangs and Narcotics Trafficking. Assistance may be provided so long as the other provisions of this policy are followed.

#### 415.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may only be made in connection with an outstanding criminal warrant.

#### 415.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with an advisement that the Berkeley Police Department will not comply with the request (Government Code § 7283.1).

If, pursuant to court order, the Berkeley Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1). Unless required by federal or state law, or court order, the Berkeley Police Department shall not provide information to ICE about an individual's release date.

#### 415.7.3 ICE INTERVIEWS

The Berkeley Police Department shall not provide ICE personnel access to the Berkeley jail to interview any individual in custody about civil immigration violations.

# Berkeley Police Department

## Law Enforcement Services Manual

### *Immigration Law*

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#### 415.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members of the Berkeley Police Department shall not transfer an individual to immigration authorities.

#### 415.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Detective Bureau Lieutenant or his/her designee shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2) - see also the Records Management Policy).

#### **415.8 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status shall be forwarded in a timely manner to the Support Services Division Captain or his/her designee. The Support Services Division Captain or his/her designee shall:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
  2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
  3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
  4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)

# Berkeley Police Department

## Law Enforcement Services Manual

### *Immigration Law*

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- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
  - 1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
- (e) Inform the victim liaison of any requests and their status.

#### 415.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

#### 415.8.2 REPORTING TO LEGISLATURE

The Support Services Division Captain shall ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

#### **415.9 TRAINING**

The Policy & Training Sergeant shall ensure that all appropriate members receive training on this policy.

Training regarding this policy should include:

- (a) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).
- (b) Prohibitions contained in Berkeley City Council Resolution 68,131-N.S.
- (c) Procedures for evaluating and responding to emergency requests for assistance, requests from ERO officials, and requests from HSI officials.