



FOR IMMEDIATE RELEASE

May 9, 2025

POLICE ACCOUNTABILITY BOARD TRANSMITS LETTER TO CITY COUNCIL AND CHIEF OF POLICE URGING TERMINATION OF AGREEMENT WITH USCIS

BERKELEY, CA – On May 9, 2025, the Police Accountability Board (PAB) transmitted a formal letter to the Berkeley City Council and Chief of Police Jennifer Louis calling for the immediate rescission of the Berkeley Police Department’s (BPD) Mutual Aid Agreement with U.S. Citizenship and Immigration Services (USCIS), identified as Item 3.1 in BPD’s compendium of law enforcement agreements. The agreement authorizes 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.”

The PAB's letter expresses grave concern that the agreement remains in place despite Berkeley’s longstanding sanctuary city policy and a 2018 Council resolution (No. 63,711-N.S.) prohibiting City employees from assisting in the enforcement of federal immigration law. While BPD previously rescinded its agreement with U.S. Immigration and Customs Enforcement (ICE), the PAB highlights that the agreement with USCIS was never revoked and remains operational.

The letter cites recent federal policy shifts that have intensified collaboration between federal immigration entities as a significant reason to revisit the prior decision to retain BPD’s mutual aid agreement with USCIS. The PAB warns that even ostensibly benign information-sharing with USCIS—such as requesting assistance in locating a noncitizen suspect—could violate sanctuary city protections and facilitate deportation under expanded federal directives like the 2025 Laken Riley Act, which requires DHS to detain noncitizens “charged with” or “arrested for” a wide range of offenses, including misdemeanor shoplifting. The letter says, “*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.*”

The PAB further notes that the agreement with USCIS as written complies with the current prohibitions in Berkeley’s sanctuary city resolution, despite the risk of furthering federal immigration enforcement actions.

The letter states, “*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.*”

The PAB asks Council to consider limiting the instances in which BPD may request information or assistance from federal immigration officials for a law enforcement purpose.

In addition, the PAB urges the Council to:

- Require BPD to maintain and report records of any communications with federal immigration agencies;
- Direct BPD to annually certify officer training on Berkeley's sanctuary policies and BPD Policy 415 (Immigration Law);
- Ensure public reporting of all official communications with federal immigration officials or agencies.

The Board expressed willingness to collaborate with the Council on these policy reforms and reaffirmed its commitment to protecting the civil rights and trust of Berkeley's immigrant communities.

 The full letter is available at:

https://berkeleyca.gov/sites/default/files/documents/2025-05-09%20PAB%20Letter%20to%20Council%20and%20BPD%20re%20USCIS%20Agreement_wAttachments.pdf

About the PAB:

The Police Accountability Board aims to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department. It facilitates community participation in setting and reviewing Police Department policies, practices, and procedures and ensures prompt, impartial, and fair investigations of complaints brought against sworn employees of the Berkeley Police Department by members of the public.

About the Office of the Director of Police Accountability (ODPA):

The ODPA investigates complaints filed against sworn employees of the Berkeley Police Department, conducts independent fact-finding, and recommends corrective actions when necessary. Additionally, the Director of Police Accountability serves as the Secretary to the Police Accountability Board and assists in executing its prescribed duties.

For further information or inquiries, please contact:

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