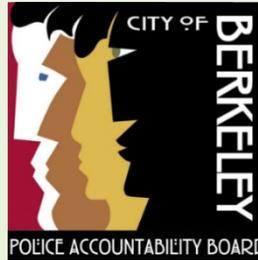


Page numbers for this agenda packet are marked in blue to distinguish them from the numbering within individual documents.



**POLICE ACCOUNTABILITY BOARD
SUPPLEMENTAL AGENDA PACKET #1**

May 7, 2025

6:30 PM

Board Members

Joshua Cayetano (Chair) Leah Wilson (Vice-Chair)
Kitty Calavita Juliet Leftwich
David Williams Randy Wells
Macharia Edmonds

MEETING LOCATION

Office of the Director of Police Accountability
1900 Addison Street, Floor 3
Berkeley, CA 94704

Item	Description	Page
9.a.	Records Retention Schedule of the Berkeley Police Department (BPD), Police Accountability Board (PAB), and the Office of the Director of Police Accountability (ODPA)	1
9.f.	DRAFT Letter from the PAB to the Berkeley City Council and the Chief of Police Re: Urgent Request to Rescind Mutual Aid Agreement 3.1 with U.S. Citizenship and Immigration Services (USCIS)	13

Item 9.a.

Records Retention Schedule of the Berkeley Police Department (BPD),
Police Accountability Board (PAB), and the Office of the Director of
Police Accountability (ODPA)



MEMORANDUM

Date: May 5, 2025

To: Honorable Members of the Police Accountability Board (PAB)

From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HA*
 Jose D. Murillo, ODPa Policy Analyst *JM*

Subject: Records Retention Schedule of the Berkeley Police Department (BPD), Police Accountability Board (PAB), and the Office of the Director of Police Accountability (ODPA)

The purpose of this memorandum is to provide an overview of the records retention scheduled for the BPD, PAB, and ODPa.

Background:

The City's Records Retention Schedule,¹ adopted by Resolution 68,661-N.S.,² is a foundational component of its records management program. The 2018 revision, which supersedes all prior versions, was developed through a survey of City departments and provides a comprehensive list of records maintained or produced by the City. It outlines appropriate storage, identifies records of historical or research value, and designates records eligible for destruction due to lack of ongoing administrative, operational, fiscal, or legal value. The schedule helps prevent premature destruction, supports legal disposal of obsolete records, reduces storage needs, and aids in organizing records and planning for vital records protection. Legal review was provided by the City Attorney's Office, with some retention periods extended based on departmental policy and practice. The City of Berkeley is in the process of updating its records retention schedule to reflect newly established independent entities, such as the PAB and ODPa, as well as to incorporate recent legislative changes.

¹ City of Berkeley Records Retention Schedule – 2018 Edition: https://berkeleyca.gov/sites/default/files/2022-05/City%20of%20Berkeley%20Records%20Retention%20Schedule_0.pdf

² Berkeley City Council Resolution 68,661-N.S.: <https://records.cityofberkeley.info/PublicAccess/api/Document/AclzhYji%C3%81dkmBpPjpbcmey6rUHFwPfeqYR0VJ9pWcvfFC0N0IK0fEgvz1VqdxfgiSNaN8NnGA3UZnCMAOEL33mU%3D/>

The PAB and ODPa maintain many of the same types of documents as the BPD; however, the current retention schedule assigns different retention periods for certain records specific to the PAB and ODPa. Attachment 1 includes the retention schedule for the PAB and ODPa (which still references the Police Review Commission), while Attachment 2 includes the BPD's retention schedule. One area where the retention period significantly differs is the retention of complaint case files and internal affairs investigations. This category of records will be updated due to the legislative changes of California Penal Code 832.5,³ which states that complaints and related reports must be retained for at least 5 years if the misconduct was not sustained, and for at least 15 years if it was.

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
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Image 1. Police Review Commission Retention Period for Complaint Files

CM602	POLICE REVIEW COMMISSION - COMPLAINT CASE FILES AND BOARD OF INQUIRY FINDINGS Civilian complaints investigated by the PRC and related correspondence, evidence, (documents, audio and video), interview transcripts, reports, and other investigative materials; Board of Inquiry findings; Caloca appeals, records and decisions	CL+3	PERM	PERM	Ord. 4644-N.S; EVC-1045, GC 12946; PC832.5
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Image 2. BPD Retention Period for Complaint Files

POL201	INTERNAL AFFAIRS INVESTIGATIONS AND COMPLAINT INVESTIGATIONS	5	4	9	PC 832.5(b)
POL202	INTERNAL AFFAIRS' COMPLAINT FILE OF DEPARTMENT PERSONNEL Name file containing copies of complaints investigated against department personnel	5	None	5	PC 832.5(b), PC 832.7, PC 832.8

Attachments:

1. PRC Records Retention Schedule
2. BPD Records Retention Schedule

³ California Penal Code Section 832.5:

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=832.5.&nodeTreePath=5.5.6&lawCode=PEN

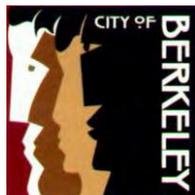
ATTACHMENT 1

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
CM301	BUDGET Proposed, summary and approved budget books. Annual/bi-annual operating budget approved by the City Council, published and distributed by the Budget Office	PERM	None	PERM	GC 34090
CM302	BUDGET MODIFICATION WORKSHEETS Reallocation of line item amounts by departments during budget year	2	3	5	GC 34090
CM500	OFFICE OF ECONOMIC DEVELOPMENT				
CM501	ECONOMIC DEVELOPMENT ADMINISTRATIVE (EDA) Semi-annual report	10	None	10	GC 34090 is 2 yrs, 10 by Dept. Policy
CM502	MEMORANDA FROM MAYOR AND CITY COUNCIL Correspondence - consent, action, and resolutions	2	None	2	GC 34090
CM503	REVOLVING LOAN FUND (RLF) - MONITOR FILES Record copy is maintained by Finance. Copies of financial status RLF records are maintained by OED until loan is paid off; usually 5-10 years for monitoring purposes only and disposed of once loan is paid off	CL	5	CL+5	Dept. Policy
CM504	CITYWIDE LOAN FUND FILES	CL	5	CL+5	GC 34090
CM505	CULTURAL SERVICE AND PUBLIC ART CONTRACTS	AT+2	3	AT+5	Dept. Policy
CM600	POLICE REVIEW COMMISSION				
CM601	BOARD OF INQUIRY - HEARING RECORDINGS	CL+3	7	CL+10	Dept. Policy
CM602	POLICE REVIEW COMMISSION - COMPLAINT CASE FILES AND BOARD OF INQUIRY FINDINGS Civilian complaints investigated by the PRC and related correspondence, evidence, (documents, audio and video), interview transcripts, reports, and other investigative materials; Board of Inquiry findings; Caloca appeals, records and decisions	CL+3	PERM	PERM	Ord. 4644-N.S; EVC-1045, GC 12946; PC832.5
CM603	POLICE REVIEW COMMISSION - MINUTES Electronic, in addition to hard copy, since 1999	3	PERM	PERM	Dept. Policy
CM604	POLICE REVIEW COMMISSION - AGENDA PACKETS Electronic, in addition to hard copy, since 2014	CYE+3	5	CYE+8	GC 34090
CM605	POLICE REVIEW COMMISSION - MEETING RECORDINGS Recordings have been digital only since 2012	3	None	3	Dept. Policy

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
CM607	INTERVIEW RECORDINGS Recordings have been digital only since 2012	CL+3	PERM	PERM	Dept. Policy
CM608	POLICY SUBJECT FILES, DEVELOPMENT OF PROCEDURES, AND HISTORICAL RECORDS				
CM608a	POLICY SUBJECT FILES Crowd control, civil rights, crack dealers, marijuana, transgender, etc.	5	10	15	Dept. Policy
CM608b	POLICIES AND PROCEDURES Policy/law, CETA, sidewalk obstruction, search & seizure, etc.; UCPD, BPA, Training	5	10	15	Dept. Policy
CM608c	POLICY SUBJECT FILES Sidewalk obstruction, officer accountability, drug anti-loitering ordinance, disability issues, affirmative action, etc.	5	10	15	Dept. Policy
CM608d	HISTORICAL RECORDS Legal/Litigation	5	10	15	Dept. Policy
CM608e	HISTORICAL RECORDS PRC records and reports, commissioner orientation and PRC handbooks	5	10	15	Dept. Policy
CM608f	HISTORICAL RECORDS PRC incorporation, Ordinance; Policy subject files: crowd control, homeless, guns, etc.; Procedural: regulations, officer rights, internal procedures, BPA-PRC relations	5	10	15	Dept. Policy

Retention Codes	
AA	After Audit
ACT	Active
AE	After Expiration
APO	After Payoff
AS	After Settlement
AT	After Termination
AV	Administrative Value
CL	Close/Completion
CYE	Current Year End
EL	Election
FYE	Fiscal Year End
MAX	Maximum
PERM	Permanent
US	Until Superseded

ATTACHMENT 2



City of Berkeley
 Records Management Program
 2180 Milvia Street
 Berkeley, CA 94704

RECORDS RETENTION SCHEDULE – POLICE

DEPARTMENT DIRECTOR	CITY ATTORNEY	CITY CLERK
/s/	/s/	/s/
Andrew Greenwood	Jerome Mayer-Cantu	Mark Numainville

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
POL100	PROFESSIONAL STANDARDS DIVISION				
	ACCREDITATION FILES				
POL101	908 individual folders for each CALEA standard; files kept for duration of employees' service plus 5 yrs; personnel transactions are maintained by Human Resources	AT+5	None	AT+5	Dept. Policy, CALEA - Chapters 1-84
	BERKELEY POLICE - TRAINING AND INFORMATION BULLETINS				
POL102	Written directives issued by Chief of Police detailing operational, technical, and procedural instructions and/or guidelines on specific subjects, one copy of rescinded and current bulletins are kept permanently for historical reference	PERM	None	PERM	Dept. Policy
	GENERAL ORDERS/POLICE REGULATIONS				
POL103	Rules and regulations governing the Berkeley Police Department	PERM	None	PERM	Dept. Policy
	PERSONNEL FILES				
POL104a	Personnel files, excluding non-sworn Parking personnel, of inactive Police employees, including personnel complaints - destroy 5 yrs. after termination from department, except for personnel who retired prior to 1975 (see POL104b)	AT+5	None	AT+5	GC 12946, PC 832.5(b)
POL104b	Personnel files for personnel who retired prior to 1975 must be maintained permanently due to former retirement system	PERM	None	PERM	Dept. Policy
POL200	OFFICE OF THE CHIEF				
POL201	INTERNAL AFFAIRS INVESTIGATIONS AND COMPLAINT INVESTIGATIONS	5	4	9	PC 832.5(b)

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
POL202	INTERNAL AFFAIRS' COMPLAINT FILE OF DEPARTMENT PERSONNEL Name file containing copies of complaints investigated against department personnel	5	None	5	PC 832.5(b), PC 832.7, PC 832.8
POL300	INVESTIGATIONS DIVISION - SPECIAL ENFORCEMENT				
POL301	CONFIDENTIAL INVESTIGATIONS	CL+2	PERM	PERM	Dept. Policy
POL400	SUPPORT SERVICES				
POL406	DAILY BULLETIN File log of every police call for service	5	PERM	PERM	Dept. Policy
POL407	FINGERPRINT FILE Original fingerprint cards and inked palm cards *Retention Note: Records are purged upon death of subject or age 80	*	None	*	Dept. Policy
POL408	MARIJUANA ARRESTS Records of marijuana arrests *Retention Note: Beginning 2011, records are in Police database	2	None	2	GC 34090
POL409	POLICE REPORT FILES Official criminal offense investigative reports, accident reports, non-criminal, and miscellaneous *Retention Note: Prior to 1996 and 2011 to current, all report files are kept PERM in police database	PERM	None	PERM	Dept. Policy
POL410	RECORD SEALING - NON-FACTUAL INNOCENCE Arrest records and narrative reports. In cases where charges are dropped because victim fails to show up, or the accused pleads "nolo" and gets a reduced sentence *Retention Note: Records may be expunged before 3 years by court order	*3	None	3	Dept. Policy
POL411	RECORD SEALING - INNOCENT BY TRIAL Arrest records and narrative reports. In cases where the accused is tried in court and the court determines the accused is innocent, which means the accused is factually innocent	3	None	3	PC 851.8
POL500	SUPPORT SERVICES - COMMUNICATIONS CENTER				
POL501	TELECOMMUNICATION LOG Log documenting computer requests	1	3	4	Dept. Policy
POL502	TOWED VEHICLE FILES Notification letters, receipt of release for towed/stored vehicles *Retention Note: Beginning 2/2017, stored in in police database	1	3	4	GC 34090, GC 14755(a) & (b)

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
POL600	SUPPORT SERVICES - CITY JAIL OPERATIONS				
POL601	BOOKING JACKET-DETAINEE JACKET Detainee Confinement form, consolidated arrest report, property receipt, may include upgraded strip search forms, Field Investigation Card, Warrants, and misc. *Retention note: Beginning 2016, records stored electronically	1	6	7	Dept. Policy
POL602	LIVE SCAN APPLICANTS	6 months	1 ½	2	Dept. Policy
POL603	JAIL SUPERVISOR LOGS Logs documenting observations and unique requirements of prisoners as well as any facility abnormalities *Retention Note: Beginning 2016, records stored electronically	6 months	2	2 ½	Dept. Policy
POL604	REGISTRANT FORMS Sex, arson, drugs, gangs *Retention Note: Beginning 2017, records stored electronically	1	1	2	Dept. Policy
POL700	INVESTIGATIONS- DETECTIVE BUREAU/CRIME SCENE UNIT				
POL701	CRIME REPORTS - AUTO THEFT INVESTIGATIONS Police reports, stolen vehicle system entries and cancellations, I.D. reports, photographs, supporting documentation	4	None	4	DOJ Criminal Justice Info. Systems Users Man. Sec. 2.1 & Sec. 1.2.1
POL702	CRIME REPORTS - INVESTIGATIONS - FRAUD Police reports concerning embezzlements, checks, credit cards, and purse and wallet thefts	4	None	4	Dept. Policy
POL703	CRIME REPORTS - JUVENILE INVESTIGATIONS Paperwork involving assistance in juvenile investigations	5	None	5	Dept. Policy
POL704	CRIME REPORTS - INVESTIGATIONS - HOMICIDE Police reports involving homicides, assaults, missing persons, dead bodies, suicide; homicide files are permanent	CL+3	PERM	PERM	Dept. Policy
POL705	CRIME REPORTS - INVESTIGATIONS - PROPERTY CRIMES Police reports concerning burglaries, arson, grand thefts	2	None	2	Dept. Policy
POL706	CRIME REPORTS - INVESTIGATIONS - ROBBERY Police reports concerning robberies, purse snatches, weapons, guns	3	None	3	Dept. Policy

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
POL707	CRIME REPORTS - INVESTIGATIONS - SEXUAL ASSAULT Police reports concerning sexual assaults, sex registrants, indecent exposure cases, obscene/annoying phone calls, domestic violence cases Retention Note: Records are not part of Police report. Used to monitor repeat offenders	6	32	38	PC 680(e)(2)
POL708	PHOTOGRAPHIC NEGATIVES Photographic negatives taken of crime scene and accident investigations. Includes inmate photographs	5	50	55	Dept. Policy
POL709	PHOTOGRAPHS AND PHOTOGRAPHIC NEGATIVES - NON CASE-RELATED Public relations, promotions, events, ceremonies, staff photos	CYE+5	15	CYE+20	Dept. Policy
POL710	PHOTOGRAPHIC/NEGATIVE LOG Paper and database log of photos taken	PERM	None	PERM	Dept. Policy
POL800	SUPPORT SERVICES - WARRANT DETAIL				
POL801	WARRANT FILES Copies of original warrants, warrant service cards, and warrant tracking information	1	6	7	Dept. Policy
POL802	CONSOLIDATED ARREST REPORTS - CARS	CYE+2	5	CYE+7	Dept. Policy
POL900	INVESTIGATIONS - SPECIAL VICTIMS				
POL901	JUVENILE FIRST OFFENDER RECORDS Record of juveniles who have committed one misdemeanor offense and are tracked for a two-year period. If no other offenses are committed within the two-year period, their record is purged	2	None	2	51,118 N.S., Dept. Policy
POL902	SEALED JUVENILE RECORDS Prior arrest record sealed by court order	5	None	5	378 with Court Order
POL1000	INVESTIGATIONS - TRAFFIC/PARKING				
POL1001	ACCIDENT RECORDS	CL+2	None	CL+2	GC 34090
POL1002	CITATION - MONTHLY SUMMARY Recap of number of tickets issued in a particular month	2	None	2	GC 34090
POL1003	CITATIONS - VOID Parking tickets issued in error or incorrectly	30 days	None	30 days	Dept. Policy
POL1004	SAFETY MEETING REPORTS Monthly record of personal/vehicular accidents	2	None	2	GC 34090
POL1005	TICKET COUNTER SHEET Used to record start/end numbers of tickets used	2	None	2	GC 34090

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
POL1006	TRANSIENT PARKING TICKETS Tickets for violations in parking garages	2	None	2	GC 34090
POL1100	OPERATIONS – COMMUNITY SERVICES				
POL1101	BUSINESS WATCH Record of Business Group containing names, addresses, phone numbers, and pertinent information about their area of concern	PERM	None	PERM	Dept. Policy
POL1102	CITIZEN VISITS Record of citizens participating in Ride-A-Long programs and other visitation	2	None	2	GC 34090 Dept. Policy
POL1103	MONTHLY STATISTICS Monthly record of CSB activity	2	None	2	GC 34090 Dept. Policy
POL1104	NEIGHBORHOOD WATCH Records of neighborhood watch groups, containing names, addresses, and particular concerns	5	None	5	Dept. Policy
POL1105	SECURITY CHECKS Record receipt of homes and businesses surveyed to indicate areas to improve or repair to prevent burglaries and other crime	2	None	2	GC 34090 Dept. Policy

Retention Codes	
AA	After Audit
ACT	Active
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APO	After Payoff
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AV	Administrative Value
CL	Close/Completion
CYE	Current Year End
EL	Election
FYE	Fiscal Year End
MAX	Maximum
PERM	Permanent
US	Until Superseded

Item 9.f.

DRAFT Letter from the PAB to the Berkeley City Council and the Chief of Police Re: Urgent Request to Rescind Mutual Aid Agreement 3.1 with U.S. Citizenship and Immigration Services (USCIS)



Joshua Cayetano
 Chair of the Police Accountability Board
jcayetano@berkeleyca.gov

VIA ELECTRONIC MAIL [Email]

Honorable Mayor and Members of the Berkeley City Council
Council@berkeleyca.gov
 2180 Milvia Street
 Berkeley, CA 94704

Chief Jennifer Louis
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.¹

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, 2025.² The resolution recognized that, “in 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

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

² City of Berkeley Resolution No. 71,658-N.S.:

<https://records.cityofberkeley.info/PublicAccess/api/Document/AYUS1dZyflBbntIsTpIdY85lInDGSxV0TmwiXhSvn5sQpSF%C3%81S3RMv%C3%81gflSCOyyWxZoEhgJTriXeET08RYRRAMU4%3D/>

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.”³ As part of that effort, the Council rescinded BPD’s mutual aid agreement with U.S. Immigrations and Customs Enforcement (ICE), Item 3.4.⁴ BPD now follows its Policy 415 Immigration Law for all matters related to immigration and interacting with federal immigration officials.⁵

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.”⁶ 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.” The PAB confirmed during meetings with BPD representatives that this agreement is operational and that BPD has communicated with DHS and USCIS officials on occasion for law enforcement purposes.

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 enforcement.⁷ 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.”⁸ The Trump Administration continues to strengthen data-sharing agreements between USCIS, ICE, and other

³ 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/>

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

⁵ See Exhibit 3, BPD Policy 415 “Immigration Law”

⁶ See Exhibit 1.

⁷ 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>

⁸ 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>

federal agencies.⁹ 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 optimistic 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*.¹⁰ 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.

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.

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. 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

⁹ 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

¹⁰ 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.

CC:

Paul Buddenhagen, City Manager

David White, Deputy City Manager

Jen Tate, Deputy Chief of Police

Farimah Brown, City Attorney

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”

DRAFT

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)**

Item #	3.1
Title:	FEDERAL: DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)
Type:	General understanding
Approvals:	Initial: March 12, 1974 / Current: March 14, 2017
Summary:	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.
Rationale:	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.
Cost:	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.
Recommendation:	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)**

Item #	3.4
Title:	FEDERAL: DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATIONS AND CUSTOMS ENFORCEMENT (USICE)
Type:	General understanding, local ordinance prohibitions
Approvals:	Initial: April 20, 2010 / Current: March 14, 2017
Summary:	<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 Amberton codified these directives in Department policy via written communication to management staff on January 30, 2008.</p>
Rationale:	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.
Cost:	<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>
Recommendation:	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.

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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.

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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

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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.

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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)

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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.

Additional Reference Materials



CONSENT CALENDAR

April 15, 2025

To: Honorable Members of the City Council

From: Mayor Adena Ishii (Author), Councilmember Brent Blackaby (Co-Sponsor), Councilmember Cecilia Lunaparra (Co-Sponsor), Councilmember Terry Taplin (Co-Sponsor)

Subject: Referral to City Attorney for Sanctuary City Ordinance

RECOMMENDATION

Referral to the City Attorney to return to City Council in June with an analysis and recommendation regarding the codification of Berkeley's Sanctuary policies and protections through a city ordinance.

BACKGROUND

On January 21, 2025, the Berkeley City Council adopted a Resolution Reaffirming Berkeley As a Sanctuary City¹ and asking the City Clerk to send a copy to each City Department Director, requesting they inform their staff of the City's Sanctuary City standing and the City's policies and procedures regarding staff interaction with U.S. Immigration and Customs Enforcement (ICE) related to enforcement of federal immigration law. Additionally, the item gave a referral to the City Attorney to explore the possibility of pledging the City's legal support to help "sensitive sites"² defend themselves against civil litigation. The resolution called for the Mayor to create a taskforce of Councilmembers, Community Based Organizations (CBOs), immigration and civil rights organizations, faith leaders, legal experts, school and university officials, and community activists to continually assess threats to Berkeley's immigrant communities and participate in the process to codify Berkeley's Sanctuary protections through a city ordinance.

Several cities across California are moving beyond resolutions and adopting Sanctuary City ordinances to provide greater protection to the immigration community in their jurisdiction. For example, on March 11, 2025, the Richmond City Council passed the first reading of a Sanctuary City Ordinance³ "An Ordinance of the City Council of the City of Richmond Limiting the Use of City Resources for Federal Immigration Enforcement."⁴ and on November 19, 2024,⁵ the Los Angeles City Council

¹ See Resolution No. 71,658-N.S. "Reaffirming Berkeley As a Sanctuary City"

² Sensitive areas such as schools, after-school programs, hospitals, community health centers, and places of worship.

³ See: <https://pub-richmond.escribemeetings.com/filestream.ashx?DocumentId=56701>

⁴ See: <https://pub-richmond.escribemeetings.com/filestream.ashx?DocumentId=56704>

⁵ See: https://clkrep.lacity.org/onlinedocs/2023/23-0243_CAF_11-19-24.pdf

Referral to City Attorney for Sanctuary City Ordinance

CONSENT CALENDAR
April 15, 2025

unanimously passed a City Ordinance to “Prohibit the Use of City Resources for Federal Immigration Enforcement”,⁶ codifying their Sanctuary policies into law.

Per the January 21, 2025, resolution, Mayor Ishii convened the first Sanctuary City Task Force meeting on February 20th. Over 30 representatives attended where they shared what work is currently happening in Berkeley to support the immigrant community and identified gaps and areas for increased coordination. The Task Force meets again on March 26th. The frequency of subsequent meetings will be determined then.

RATIONALE FOR RECOMMENDATION

Per the resolution, members of the Task Force have expressed a sense of urgency and interest in establishing a Berkeley Sanctuary City Ordinance that could provide additional protections to Berkeley’s immigrant community. The Berkeley City Attorney has a critical role in ensuring the research and development of a Sanctuary City Ordinance that aligns with the City’s existing ordinances, resolutions, and policies and provides substantive protections for Berkeley’s immigrant community. An ordinance would exceed the action of a resolution because an ordinance would codify the City’s position into the City’s municipal code, thus creating a permanent law⁷ regulating conduct and procedure.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental effects from taking this action.

CONTACT PERSON

Mayor Adena Ishii	510-981-7100
Julie Sinai	jsinai@berkeleyca.gov

Attachments:

1. Resolution No. 71,658-N.S. “Reaffirming Berkeley As a Sanctuary City” dated January 21, 2025

⁶ See City of Los Angeles Ordinance No. 188441 (https://clkrep.lacity.org/online/docs/2023/23-0243_ord_%20188441_12-19-24.pdf)

⁷ Until another law changes.

RESOLUTION NO. 71,658-N.S.

REAFFIRMING BERKELEY AS A SANCTUARY CITY

WHEREAS, the residents of Berkeley have a long history and deep commitment to welcoming immigrants, refugees, and those in exile; and

WHEREAS, the Berkeley community believes in protecting all of our residents and letting them know they are safe, regardless of their immigration status; and

WHEREAS, the City of Berkeley was the first City in the Nation to declare itself a City of Refuge in 1971 (Resolution 44,784-N.S.) and the first City to support the “New Border Vision”, in 2020, to encourage Congress to expand public safety, protect human rights, and welcome people to our communities; and

WHEREAS, Berkeley reaffirmed its City of Refuge status in 1986 (Resolution No. 52,596-N.S.), 2007 (Resolution No. 63,711-N.S.), 2015 (Resolution No. 67,325-N.S.), 2016 (Resolution No. 67,598-N.S. & No. 67,763-N.S.) and 2017 (Resolution No. 68,131-N.S.); and

WHEREAS, as of 2023, 21.3% of Berkeley’s population are immigrants of varying statuses, with undocumented, DACA, and TPS holders most vulnerable to the incoming administration’s threats of discrimination and deportation; and

WHEREAS, multiple studies have proven that jurisdictions that provide sanctuaries are safer and economically more prosperous compared to other jurisdictions – including a 2017 report by the Center for American Progress that shows on average there are 35.5 fewer crimes committed per 10,000 people in sanctuary jurisdictions, the average annual income is \$4,353 higher, the poverty rate is 2.3% lower, and unemployment is 1.1% lower; and

WHEREAS, in the interest of promoting 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; and

WHEREAS, in early 2017, a Sanctuary City Task Force was convened, which brought immigration and civil rights groups, faith leaders, legal experts, school and university officials, and community activists together to discuss ways to strengthen our City of Refuge policy, as well as support our undocumented community members; and

WHEREAS, the Task Force and working groups developed resources and protocols to clarify the rights of undocumented individuals and city/community partners in the case of U.S. Immigration & Customs Enforcement (ICE) enforcement activity; and

WHEREAS, the Task Force created procedures to help City Staff act in accordance with Berkeley’s Sanctuary City status, should ICE agents contact city officials or visit city

facilities or engage with city staff to collect information, or request assistance with arresting any undocumented or naturalized resident or visitor beyond what is required by federal law; and

WHEREAS, all City of Berkeley Departments and employees of the City of Berkeley, including the Berkeley Police Department, have committed to not comply with ICE officers lacking a valid judicial warrant; and

WHEREAS, the Berkeley School Board passed a similar sanctuary campus policy in December 2017 which articulated restrictions on information sharing, providing access to school facilities, and collaboration with Immigration officials; and

WHEREAS, the Berkeley School Board will soon consider at an upcoming meeting to reaffirm the 2017 Berkeley Unified School District Sanctuary Campus Policy (Resolution 17-050), which articulated restrictions on information sharing, providing access to school facilities, and collaborating with immigration officials; and

WHEREAS, Berkeley City College, UC Berkeley, and University Lutheran Chapel have adopted similar policies; and

WHEREAS, California State Superintendent of Instruction Tony Thurmond champions the bill introduced by Senate Majority Leader Lena Gonzalez SB 48 to Keep Immigration and Customs Enforcement Off of School Campuses, Protecting School Attendance and Funding Amid Deportation Threats; and

WHEREAS, hospitals, clinics, schools, and public transportation are key locations of direct services that immigrants rely on for basic needs and are vulnerable to deportation raids from federal immigration enforcement officers; and

WHEREAS, faith communities and other Community Based Organizations (CBOs) play a vital role by protecting essential human rights and offering support to refugees and undocumented immigrants, requiring commitments from local governments to stand with these institutions and protect them from federal deportation raids or other attacks; and

WHEREAS, the incoming Trump administration has campaigned on threats of mass deportation and has indicated its intent to rescind the longstanding federal policy restricting immigration enforcement activity at schools, after-school programs, hospitals, community health centers, and places of worship; and

WHEREAS, in light of the beginning of the Trump administration's term, the City of Berkeley must remind the community and City Staff of Berkeley's status as a Sanctuary City and a City of Refuge.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it reaffirms that the City of Berkeley is a City of Refuge and a Sanctuary City, and that the

following restrictions on the use of City funds and resources shall be applied relating to enforcement of federal immigration law:

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 on the status of individuals in the City of Berkeley unless required by federal 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 not be limited to:
 - a. Assisting or cooperating, in one's official capacity, with any Department of Homeland Security (DHS) investigation, detention, or arrest procedures, including but not limited to any such procedures in schools, after-school programs, hospitals, health centers or places of worship, whether public or clandestine, relating to alleged violations of the civil provision of federal immigration law, except as required by federal law.
 - b. Requesting information about, or disseminating information regarding, the citizenship, immigration status, or birth country of any individual, except as required by federal 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, except as required by federal law.
4. 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 assessed for legality through the City Attorney to ensure the safety of city employees and residents accessing city services and compliance with applicable state and federal laws.
5. Except in limited circumstances where ICE agents have a valid judicial warrant, after review and consultation with the City Manager and City Attorney, city departments, agencies, commissions, officers or employees are **not required to**:
 - Cooperate with ICE agents
 - Answer ICE agents' questions or provide any protected data
 - Comply with an ICE Administrative Warrant
 - Immediately comply with a subpoena served by ICE agents
 - Speak with ICE agents at all

6. City officers or employees shall not consent to a search by ICE agents of a non-public area or non-public city records, without a valid judicial warrant.

7. If any person asks questions regarding their immigration status to City staff (while working in their official capacity), City staff shall not refer them to ICE 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.

8. All requests for documents or protected data by ICE to City personnel shall be immediately forwarded to the City Manager 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.

BE IT FURTHER RESOLVED that the City of Berkeley stands in solidarity with the Berkeley School Board, Berkeley City College, UC Berkeley, University Lutheran Chapel, and other schools, medical institutions, or places of worship that have committed to similar sanctuary policies to protect the residents of Berkeley, regardless of their immigration status.

BE IT FURTHER RESOLVED that the City of Berkeley offers its support and protection to local CBOs and faith communities offering safety and protection to immigrants in the face of direct threats from federal agencies.

BE IT FURTHER RESOLVED that the Council shall refer to the City Attorney to explore the possibility of pledging the City's legal support to help local CBOs and other "sensitive sites", such as schools, after-school programs, hospitals, community health centers, and places of worship, defend themselves against civil litigation.

BE IT FURTHER RESOLVED that the City Council will collaborate with the boards of BART, AC Transit, East Bay Regional Parks District, UC and CSU systems, Peralta Community College District, and county hospital systems to ensure that the Right to Sanctuary is protected on a regional level.

BE IT FURTHER RESOLVED that the City of Berkeley calls on other Bay Area and California cities to reaffirm their commitments to sanctuary and pass legislation that protects all California residents.

BE IT FURTHER RESOLVED that the City of Berkeley calls on the California legislature to pass SB 48 to Keep Immigration and Customs Enforcement Off of School Campuses, Protecting School Attendance and Funding Amid Deportation Threats.

BE IT FURTHER RESOLVED that copies of this resolution, including any future amendments thereto, shall be transmitted to every department, agency and commission, and employee of the City of Berkeley; to our Alameda County, California, and Congressional representatives; and to the mayors of the rest of the Bay Area cities.

BE IT FURTHER RESOLVED that the City of Berkeley will continue to seek additional ways to enact protections for undocumented immigrants in our community.

The foregoing Resolution was adopted by the Berkeley City Council on January 21, 2025 by the following vote:

Ayes: Blackaby, Humbert, Kesarwani, Lunaparra, O’Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: Bartlett.



Adena Ishii, Mayor

Attest: 

Mark Numainville, City Clerk



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USCIS Assists in ICE Investigation Leading to Arrest of 133 Alien Offenders in New York

Release Date : 04/14/2025

BUFFALO, N.Y. – U.S. Citizenship and Immigration Services assisted in the investigation that led to the apprehension of 133 illegal aliens in New York between March 24 and 28.

[U.S. Immigration and Customs Enforcement announced](#) that, during the five-day enhanced operation, ICE and federal law enforcement partners targeted criminal illegal alien offenders and other immigration violators in western, central, and northern New York.

Of those arrested, 20 had criminal convictions or charges, including three who were convicted of homicide. Nine of the arrests were of aliens who have been previously removed from the United States.

Four criminal search warrants were executed during the operation, specifically during the worksite enforcement component of the operation for federal violations of bringing in and harboring certain aliens. The warrants resulted in multiple bookings and records seizures as well as 18 administrative arrests for violations of immigration law.

Partner law enforcement agencies participating in the operation were FBI Buffalo; FBI Albany; Drug Enforcement Administration New York; U.S. Customs and Border Protection Buffalo; the Bureau of Alcohol, Tobacco, Firearms and Explosives New York; U.S. Marshals Service Buffalo; USCIS; the Department of State Diplomatic Security Service; and the U.S. Attorney's Offices for the Western and Northern Districts of New York.

To report suspected immigration benefit fraud or abuse to USCIS, please use the [USCIS Tip Form](#).

For more information on USCIS and its programs, please visit [uscis.gov](#) or follow us on [X \(formerly Twitter\)](#), [Instagram](#), [YouTube](#), [Facebook](#) and [LinkedIn](#).

Last Reviewed/Updated: 04/14/2025



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First 100 Days: USCIS Delivering on Making America Safe Again

Release Date : 04/29/2025

Ensuring National Security and Restoring Commonsense Policies

WASHINGTON – U.S. Citizenship and Immigration Services is aggressively working to ensure America’s national security by addressing vulnerabilities in immigration policies, reducing exploitation of humanitarian parole programs, and assisting enforcement agencies in identifying and removing illegal aliens.

In the first 100 days of the Trump Administration, USCIS has restored robust screening and vetting capabilities; re-emphasized fraud detection and deterrence; reduced exploitation of the immigration system through humanitarian and temporary protected status programs; in partnership with other agencies, helped reduce encounters at our southern border and increase safety at home, with violent criminal aliens rapidly being removed from our neighborhoods; and introduced commonsense policy and operational solutions to help protect Americans.

“In the first 100 days, USCIS put a stop to disastrous Biden-era ‘humanitarian’ policies that invited fraud and allowed criminal aliens to legally live and work in our communities; facilitated arrests of criminals attempting to gain immigration benefits; and for the first time in decades is ensuring every alien in the U.S. is registered as required by law,” said USCIS Spokesman Matthew Tragesser. “Aliens, immigration attorneys and non-government organizations take note: the days of exploiting our immigration system are over. Aliens who want to live and work in America need to do it legally or get out.”

Addressing Vulnerabilities, Restoring Trust in the Immigration System

USCIS implemented the **Alien Registration Requirement (ARR)**, which strengthens national security, promotes accountability and upholds the rule of law. ARR allows USCIS and other agencies to track the presence of aliens in the U.S., review their criminal records, if any, and maintain awareness of their activities. USCIS recently developed an [ARR Determination Tool](#) that guides aliens through specific questions to help determine whether they must submit [Form G-325R, Biographic Information \(Registration\)](#). With almost 47,000 **submissions** as of April 29, USCIS is extensively promoting public awareness of this requirement and the penalties for non-compliance.

USCIS continues to deploy volunteers to support **U.S. Immigration and Customs Enforcement’s (ICE)** Enforcement and Removal Operations. USCIS currently has ~450 volunteers detailed to ICE supporting 85 facilities across the country.



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USCIS is actively **engaged in cross-agency partnerships in immigration enforcement and public safety**, including having facilitated 369 arrests at USCIS field offices since Jan. 20, 2025. Press releases highlighting USCIS involvement in arrests and convictions can be found in the [USCIS Newsroom](#).

In cooperation with ICE, the Diplomatic Security Service and the U.S. Attorney's Office for Maryland, USCIS played a critical role in taking down a [large-scale marriage fraud scheme](#) leading to the indictment of four ringleaders and the arrests of aliens attempting to defraud the immigration system.

USCIS is closing screening and vetting loopholes from the Biden Administration and prioritizing the safety of Americans by accurately applying Terrorism Related Inadmissibility Grounds to deny members of transnational crime organizations designated as foreign terrorist organizations access to immigration benefits.

Ending Exploitation Through Categorical Parole and Temporary Protected Status

USCIS is fulfilling the administration's goal of **terminating categorical programs** that run contrary to U.S. policy. This includes stopping broad abuse of humanitarian parole authority by ending the Cuban, Haitian, Nicaraguan, and Venezuelan parole program, and ensuring consideration of parole requests on a case-by-case basis. Approximately 531,000 aliens have been notified of the termination of their parole and employment authorization and encouraged to use the U.S. Customs and Border Protection [CBP Home app](#) to report their departure from the United States.

Ending the exploitation and abuse of Temporary Protected Status, USCIS rescinded the prior administration's extension of Haiti's Temporary Protected Status and ended the extension of Venezuela's 2023 Temporary Protected Status designation.

Restoring Stronger Safeguards and Commonsense Policies

USCIS is **restoring robust screening and vetting** capabilities, enabling us to detect aliens with potentially harmful intent and to deter them from trying to enter the United States. USCIS is ensuring officers have access to the tools and training needed to detect immigration fraud and protect national security and is actively increasing awareness of the consequences of immigration fraud. Aliens who use false information or deceitful practices to unfairly obtain immigration benefits will face serious consequences, including prison, steep fines, and removal from the U.S.

Some of our screening and vetting efforts since Jan. 20, 2025, include:

- Completing 7,120 benefit fraud records;
- Identifying fraud in 4,664 number of records;
- Referring 462 benefit fraud records and 4,672 egregious public safety records to ICE for criminal investigation or enforcement;
- Completing 2,271 site visits to workplaces; and
- Screening 3,568 subjects' social media activity.

USCIS adopted **social media vetting for anti-Americanism** to consider social media content that indicates an alien endorsing, espousing, promoting, or supporting antisemitic terrorism, antisemitic terrorist organizations, or other antisemitic or anti-American activity as a negative factor in any USCIS discretionary analysis when adjudicating immigration benefit requests.

USCIS initiated an overhaul of the Systematic Alien Verification for Entitlements (SAVE) database to eliminate transaction fees for participating state, local, territorial, and tribal government users, streamline mass alien status checks, and integrate criminal records, immigration timelines, and addresses into results. This will help prevent aliens from exploiting taxpayer-funded public benefits or voting illegally.

USCIS returned to its historical policy of **recognizing only two sexes**, male and female, that are binary, biological, and not changeable. USCIS is working to protect the integrity of women's sports by ensuring that aliens traveling to the United States to compete do so only in sporting events for their biological sex.

USCIS issued new **Covid vaccination guidance**, waiving all requirements for aliens applying for Green Cards to show that they received COVID-19 vaccination.

USCIS ended coordination on naturalization ceremonies with sanctuary cities that restrict the ability of law enforcement to cooperate with DHS to enforce immigration laws and keep American communities safe from illegal and violent aliens.

For more information on USCIS and its programs, please visit uscis.gov or follow us on [X \(formerly Twitter\)](#), [Instagram](#), [YouTube](#), [Facebook](#) and [LinkedIn](#).

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