

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: RAINER NAVARRO, CAPTAIN
POLICE DEPARTMENT
SUBJECT: DISCUSSION OF UPDATED POLICE POLICY 428 AND
ALTERNATIVES TO USING THE SONOMA COUNTY JAIL

AGENDA ACTION: FOR INFORMATION ONLY

RECOMMENDATION

For information only. No action needed.

EXECUTIVE SUMMARY

Immigration reform and concerns about enforcement of federal laws pertaining to illegal immigration have become both a local and national issue. The Santa Rosa Police Department is committed to making Santa Rosa a safe place to live, work and play for all members of the community and to implementing the policies set forth in the City Council's February 7, 2017 resolution declaring Santa Rosa an "Indivisible City."

At its meeting on February 14, 2017, Council directed staff to report back to the Council after completing its planned update of Police Department Policy 428, the department's policy on investigating and enforcing federal immigration laws. At that same meeting, Council also directed staff to provide information regarding any alternative jail facilities the Police Department may use to detain individuals arrested by police officers instead of the Sonoma County Jail. The purpose of this item is to provide the Council and members of the public with the information the Council requested.

Updated Police Policy 428 does not change the practices of the Police Department. Santa Rosa police officers will continue to provide equal enforcement of the law and equal police service to all members of the community. The policy promotes public confidence in the department, ensures that all members of the community feel safe accessing police services and adheres to the requirements of federal, state and local laws. The policy is consistent with and implements the City Council's recent resolution declaring Santa Rosa an Indivisible City.

BACKGROUND/PRIOR CITY COUNCIL REVIEW

On February 7, 2017, in response to statements and actions taken by President Trump and federal immigration authorities, the Council declared the City of Santa Rosa an Indivisible City.

On February 7 and 14, 2017, the Council discussed the Police Department's policy on investigation and enforcement of federal immigration laws, Police Policy 428. That policy had not been revised since 2013 and staff reported that it was undertaking to review and update the policy. On February 14, 2017, directed staff to return to Council (1) to report back on updated Police Policy 428 after that process was completed and (2) to report on possible alternative jail facilities the department may use to detain individuals police officers arrest instead of the Sonoma County Jail.

ANALYSIS

A. Police Policy 428

The Santa Rosa Police Department policy manual provides direction for all staff in the department in making Santa Rosa a safe place to live, work and play. The department updates the policies in the manual on a regular basis.

Police Policy 428 sets forth the Police Department's policy regarding investigating and enforcing federal immigration laws. The purpose of the policy is to ensure that the Police Department protects public safety and serves the entire community.

Police Policy 428 was last reviewed and updated in 2013. The Police Department recently updated that policy. As part of that process, staff reviewed other police department policies in California, and worked closely with the City Attorney's Office to ensure that the Police Department ensures public safety for all members of the community as it complies with its obligations under federal, state and local laws.

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As Police Policy 428 makes clear, determination of immigration status is primarily the jurisdiction of the U.S. Immigration and Customs Enforcement (I.C.E.); it is not the duty of local police departments.

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The longstanding practice and policy of the Santa Rosa Police Department has been that officers will not contact, detain, question or arrest an individual based solely on his or her suspected immigration status and that officers will not seek to discover the immigration status of any individual, except as required by law. The department has coordinated efforts with federal authorities where appropriate to apprehend violent offenders or under certain limited circumstances where ICE requests assistance. Under departmental policy, this coordination must be approved by a Watch Commander in the department and occurs only for the purpose of furthering the underlying criminal investigation or where other public health and safety needs require such coordination. Updated Police Policy 428 continues these practices and policies.

Finally, the Santa Rosa Police Department continues to be the enforcement certification agency for special visas available under federal law to the victims of certain crimes.

B. Jail Facility Alternatives

As Council requested, staff analyzed the extent to which the Santa Rosa Police Department may use a jail facility other than the Sonoma County Jail to detain individuals who have been arrested.

State law generally requires that persons arrested be taken to the closest magistrate for arraignment, bail and other purposes. For persons arrested in Santa Rosa, the closest magistrate is with the Sonoma County Superior Court. The Sonoma County Sheriff is responsible for transporting and safeguarding prisoners from where they are detained back and forth as needed to the Superior Court. Accordingly, as a practical matter, the Police Department must take individuals who have been arrested and who will be detained pending judicial process to the Sonoma County Jail.

Once an individual has been convicted of a crime, the Superior Court may order the person to serve his or her sentence in state prison or the County Jail. While we are informed that there may be certain circumstances under which the Sonoma County Jail will transfer a convicted prisoner to another county's jail, the Santa Rosa Police Department plays no role in these decisions.

FISCAL IMPACT

This action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – Santa Rosa Police Department Policy 428

CONTACT

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