



NOVATO UNIFIED SCHOOL DISTRICT

NOVATO POLICE DEPARTMENT

FOR IMMEDIATE RELEASE

March 20, 2017

For more information:

Leslie Benjamin
Director, Communications &
Community Engagement
lbenjamin@nUSD.org
415 897-4259

Adam McGill
Chief of Police, Novato Police Department
amcgill@novato.org
(415) 897-4361

The following is a joint statement from Superintendent Hogeboom and Police Chief McGill.

NUSD-NPD Summit: Immigration Information Night

The Novato Unified School District and the Novato Police Department are co-hosting a "NUSD-NPD Summit: Immigration Information Night" on April 17, 2017, to answer questions about law enforcement and safe schools. The evening will include a panel discussion with Marin County Sheriff Bob Doyle, Marin County Superintendent of Schools Mary Jane Burke, Novato Police Chief Adam McGill and Novato Unified School District's Superintendent Jim Hogeboom.

NUSD and NPD have come together due to the increased uncertainty within our community over the past couple of months. For many, the rights of students and families and the role of local law enforcement with regard to immigration is not well known. The Novato Unified School District in collaboration with the Novato Police Department want to ensure the safety of all our students and families.

On December 20, 2016, the Novato Unified School Board (NUSD) passed Resolution 19-2016-2017 "Commitment to the Education of All Students and Making All Campuses a Safe Zone for Students and Families Threatened by Immigration Enforcement." What does this mean?

- All students have the right to attend school regardless of their immigration status or the status of their family members and that district staff will not inquire about a student's immigration status.
- NUSD will protect all students equally and consider all student information private according to FERPA, the Family Educational Rights and Privacy Act.
- The Board declares its commitment that every District school site be a safe and welcoming place for all students and their families.

"The Novato Unified School District welcomes all students, and we do not care about their immigration status. California law directs us to serve and support every student to the best

"An Equal Opportunity Employer"

of our ability, and our responsibility is to provide a safe, caring and friendly environment in which to learn," stated Jim Hogeboom, NUSD Superintendent.

Novato Police Chief Adam McGill has clarified the position of the Novato Police Department (NPD) and is committed to keeping our students and families safe. Key points include:

- The Novato Police Department does not enforce federal immigration laws. Exceptions would include if an individual is suspected of a violent crime that jeopardizes public safety or involves a warrant or court order
- The NPD is prohibited by policy from inquiring about anyone's immigration status.
- Any assistance request from Immigration and Customs Enforcement (ICE) to the NPD for any purpose must first be approved by the police chief.
- The NPD does not participate in any Immigration "Sweeps".
- ICE agents are federal agents and have authority anywhere in the United States. NPD cannot prevent ICE from taking action in Novato.
- In emergency circumstances, where life and safety is threatened, NPD will assist ICE or any other law enforcement agency.

"There is a special concern in immigrant communities where many people fear that cooperating with the police may lead to scrutiny and even deportation. This is why we have a policy prohibiting the Novato Police Department from enforcing immigration laws," said Chief McGill. "We have invested considerable time and resources to build trust and cooperation within our community, Novato is a safer place when our community trusts our police department. including immigrant communities. We know that when people step forward because they trust their local police, communities are safer. If people are afraid to have contact with us they will not report crime, serve as witnesses, or tell us what is happening in their neighborhoods. Without an engaged community, investigating crime becomes more difficult and crime levels could rise. Together, we must be true partners in the public safety of our City which in turn makes us all safer."

The "NUSD-NPD Summit: Immigration Information Night" will be held at the Hill Education Center in the Multi-Use Room beginning with a complimentary dinner at 5:30 pm and the discussion at 6 pm. Child care and interpretation will be available.

Jim Hogeboom
Superintendent
Novato Unified School District

Adam McGill
Chief of Police
Novato Police Department

"An Equal Opportunity Employer"

Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Novato Police Department for investigating and enforcing immigration laws.

428.2 POLICY

It is the policy of the Novato Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. 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 immigration status.

No person shall be contacted, detained, or arrested solely on the basis of his or her immigration status. The Novato Police Department will equally enforce the laws and serve the public without regard to immigration status. Except as specifically set forth in this policy, the immigration status of a person, and/or the lack of immigration documentation, should have no bearing on the manner in which officers execute their duties.

428.3 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 being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or California Constitutions.

428.4 ENFORCEMENT

IMMIGRATION VIOLATION COMPLAINTS

If members of the public contact the Novato Police Department to report suspected immigration violations, such persons should be directed to Immigration and Customs Enforcement (ICE).

IMIGRATION STATUS

An officer's suspicion about any person's immigration status shall not be used as a sole basis to initiate contact, detain, or arrest that person unless such status is reasonably relevant to the investigation of a crime, such as human trafficking, smuggling, harboring, and/or terrorism.

Sweeps intended solely to locate and detain undocumented immigrants are not permitted. Officers will not participate in ICE-organized sweeps to locate and detain undocumented aliens. Novato Police Officers may, however, provide support services, including traffic control, during an ICE operation, upon specific request from ICE for assistance with approval of the Chief of Police or his designee.

Immigration Violations

ESTABLISHING IDENTITY

Officers should attempt to identify any persons who they detain or arrest. Any person who would otherwise be cited and released, but who is unable to present satisfactory evidence of his or her identity, will be detained for the purpose of establishing his or her identity. A person taken into custody pursuant to CVC 40302(a) may be detained for no more than two hours, regardless of whether or not his or her identity has been verified pursuant to CVC 40307.

428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

It is not necessary to notify ICE when booking arrestees at the county jail. Notification should be handled according to jail operation procedures.

428.6 ICE REQUESTS FOR ASSISTANCE

Except for requests for emergency assistance, requests by Immigration and Customs Enforcement, or any other federal agency, for assistance from this department should be directed to the Chief of Police, or his designee, for approval.

428.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

428.7.1 IMMIGRATION HOLDS

Detainers and warrants are entirely separate and should not be confused. Duly issued warrants will in all cases be honored.

428.8 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)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Section supervisor assigned to oversee the handling of any related case. The Investigation Section supervisor shall:

Novato Police Department

Policy Manual

Immigration Violations

- (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). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).
- (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.
- (e) Inform the victim liaison of any requests and their status.

428.8.1 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 a 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 for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 90 days of a request from the victim or victim's family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

428.8.2 REPORTING TO LEGISLATURE

The Administrative Services Captain, or the authorized designee, should 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).

428.9 TRAINING

The Professional Standards Sergeant shall ensure that all appropriate members receive training on this policy.