

Chief William Scott's Statement on DGO 5.15
Police Commission Meeting, July 5, 2017

As reflected in our City laws, it is the policy of the City and the Police Department to foster respect and trust between law enforcement and residents, to protect limited resources, to encourage cooperation between residents, City officials, and law enforcement to ensure community security.

The changes to the draft Department General Order reflect the laws as they exist today in 12H and 12I of the Administrative Code. The Department has issued Department bulletins to reflect the Administrative Code changes to our policies. We are taking existing language from those bulletins and incorporating them into the draft General Order. We have added language that reflects the prohibition against asking and disseminating the release status of an individual. We have also expressly incorporated procedures for confirming warrants that officers already follow. We have also made some formatting changes, moved text for the ease of reading, and added clarifying language.

We want to assure all residents and visitors of San Francisco that they can report crimes and cooperate with SFPD without fear of any member inquiring into his or her immigration status.

The updated policy outlines that SFPD members shall not stop, question, or detain individuals based on appearance, national origin, or limited English proficiency, or LEP; shall not require individuals to produce any documents to prove their immigration status; shall not assist with Immigration and Customs Enforcement or ICE, or Custom and Border Protection or CPB enforcing immigration laws; shall not arrest or detain an individual for an administrative warrant or a civil warrant. This policy and existing Department Bulletins provide samples of administrative ICE warrants; shall provide only emergency assistance to the extent members would respond to emergency assistance to any other law enforcement agency. For example, when the member determines there's an emergency posing a significant and immediate danger to the public safety of an ICE or CBP agent. And this scenario when there's an enormous amount of supervision in place to make sure that that situation is properly supervised. Members providing emergency assistance to ICE or CBP shall immediately notify their supervisor and complete an incident report describing the reason for their assistance.

The policy also requires Department Bulletins to be issued as necessary to update members on recognizing the most current law enforcement database returns on both administrative and civil warrants. The policy distribution, the Department-as far as the policy distribution, the Department will provide an electronic copy of the policy to all members. Members will be required to review the policy and adhere to its requirements and members are required electronically acknowledge receipt and review of the policy. This allows for tracking and auditing of review.

As to training, training coordinators will be required to conduct roll call training on this policy department wide. Members will be required to sign the roll call training sheet and members will be provided with the hard copy of the updated department general order and department bulletin 17-016, "Prohibition on the Enforcement of Administrative Immigration Warrants." This bulletin assists members in identifying administrative warrants.

As to supervision, when notified that a member is providing emergency assistance to ICE or CBP, supervisors shall immediately respond to the location and ensure such assistance is warranted. If ICE and CBP requests assistance with an operation, members must obtain approval from their bureau Deputy Chief.

As to accountability, the Department will continue to meet with community stakeholders, that is LEP working group and others, city agencies including DPA, the Office of Civic Engagement and Immigrant Affairs to obtain feedback regarding member-compliance with this policy.

As to discipline, all violations of this policy will be thoroughly investigated and discipline imposed where appropriate.

And, finally, I'd like to reiterate than on January 31, 2017, I along with Mayor Ed Lee and Sheriff Vicki Hennessey, signed a letter to the Secretary of Homeland Security, and for those of you that aren't familiar it, I have a copy of it with me. That letter spells clearly the values of the City and County of San Francisco as it relates to us being a sanctuary city. And in the letter, I'll just summarize, we wrote to inform the secretary that

“In the interest of public safety of the City and County of San Francisco declines to participate in any agreement under Section 287(g) of the INA, that's 8 U.S.C. section 1357(g), referred to in section 8 and section 10 of the Enhancing Public Safety in the Interior of the United States and Border Security and Immigration Enforcement Improvement executive orders respectively issued on January 25, 2017. The United States Supreme Court and other Federal Courts have repeatedly emphasized that the administration of immigration laws is the responsibility of the Federal Government, not cities and states.

“Our community policing efforts are effective only if we have trust and cooperation of the communities we are charged to protect. Addressing local jurisdictions to become entangled in federal immigration enforcement and betray the trust and undermines the work our public safety departments have done to improve relations with our residents. We will not jeopardize the public safety of our community to do the job of the Federal Government. Our law abiding residents are safer when they can report crimes, get immunizations, and enroll their children in public schools. If cities acquiesce to your demands to carry out immigration enforcement, we will lose the trust of our community. San Francisco will continue to honor valid criminal warrants and local court orders as we always have, however, we encourage the Department of Homeland Security to work with congressional leaders to pass a comprehensive immigration reform in a thoughtful manner rather than asking states and cities to show that the failure of the Federal Government to address this issue.”

And this letter was signed by myself, Sheriff Vicki Hennessey of the San Francisco Sheriffs Department, and Mayor Ed Lee. I think that that in and of itself summarizes our passion and our commitment to our city being a Sanctuary City to protect the rights of all residents and to enhance our public safety as it relates to this issue. Thank you.