

February 23, 2017

Chief Charlie Beck  
Commissioners, Board of Police Commissioners  
Los Angeles Police Dept.  
100 West 1st Street  
Los Angeles, CA 90012

Mayor Eric Garcetti  
Councilmembers, Los Angeles City Council  
200 N. Spring St.  
Los Angeles, CA 90012

Chief Beck, Police Commissioners, Mayor Garcetti and City Councilmembers:

We, the undersigned immigrants' rights and civil rights groups, write to alert you about Immigration and Customs Enforcement ("ICE") officers' deeply troubling practice of impersonating police officers when they conduct enforcement actions in Los Angeles. During its recent sweeps that rounded up over 160 Los Angeles-area residents, ICE officers repeatedly misrepresented themselves as police to gain consent to enter individuals' homes. Residents opened their doors and permitted ICE officers to enter their homes on the false pretense that the officers were local police investigating crimes, exposing themselves and their families to questioning about their immigration status, arrest, and deportation.

ICE has endorsed and promoted these deceptive practices. In a video ICE released of the recent sweeps, the first scene shows ICE officers at a Los Angeles home early in the morning. The officers tell the person who answers the door that they are "police conducting an investigation" to gain entry into the home.<sup>1</sup>

These practices directly undermine Special Order 40 and LAPD's efforts assure community members that they can report crimes and cooperate with the police without fear of deportation, damaging LAPD's ability to effectively serve immigrant communities and harming public safety throughout Los Angeles. We urge the LAPD and City officials to take steps to put a stop to this harmful practice.

### **ICE "Ruse" Operations**

It is ICE policy that its officer may engage in "ruses" in which they misrepresent themselves as local police officers, probation officers, religious workers, or others.<sup>2</sup> For example, ICE officers

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<sup>1</sup> ICE operation video at 0:35, *available at* <https://www.dvidshub.net/video/509205/more-than-680-arrested-ice-operations-targeting-convicted-criminal-aliens-immigration-fugitives-and-re-entrants>. *See generally* Joel Rubin, "It's Legal for an immigration agent to pretend to be a police officer outside someone's door. But should it be?," LA Times (February 21, 2017), *available at* <http://www.latimes.com/local/lanow/la-me-immigration-deportation-ruses-20170219-story.html>

<sup>2</sup> U.S. Immigration & Customs Enforcement Agency, *Use of Ruses in Enforcement Operations*. (Mar. 6, 2006).

may come to an individual's home or place of work, falsely identify themselves as "police," and invent a fictitious story for the visit. In many cases, ICE officers will falsely claim there is some urgent public health or safety concern—such as a pending investigation into serious criminal activity—that requires the individual's assistance. ICE officers will then request the individual volunteer information or permit the officers to enter his or home, which ICE officers would not otherwise have the authority to do absent a warrant.<sup>3</sup>

Through these "ruses," ICE officers take advantage of community members' trust in the police. Community members often cooperate with the ICE officers' requests because they believe the individuals are police officers and want to assist in legitimate criminal investigations. This is particularly true in Los Angeles, where LAPD has made clear that its officers will not engage in immigration enforcement activities and that immigrant community members can cooperate with the police without fear that it may lead to their deportation. *See infra*.

We have documented numerous cases in which ICE officers have engaged in these deceptive practices. For example, during the recent enforcement actions, ICE officers came to the home of Marta, a longtime resident of Los Angeles.<sup>4</sup> When the ICE officers came to her door, they were wearing black uniforms inscribed with "police," told her that they were "police," and that they were conducting an investigation of her ex-husband, who she had not lived with for two decades. Based on her belief that LAPD officers do not engage in immigration enforcement, Marta permitted the officers to enter her home. After entering, the officers revealed their true identities and arrested Marta's partner, who is now in removal proceedings.

Marta's story is hardly unique. Last year, ICE officers used a "ruse" operation to target Luis, a Mexican national who has lived in Los Angeles since the age of nine and is the father of a two US citizen children under the age of ten. Luis's only criminal history is a juvenile conviction for possession of a firearm, when he was 15 years old. ICE officers came to Luis's mother's house, informed her that they were "police detectives," and alleged that he had information regarding the whereabouts of a person of interest in a criminal investigation. The ICE officers stated they wanted to meet Luis in person to show him a picture pertinent to their "investigation." Luis agreed to meet the officers, who later came to his residence, arrested him and placed him removal proceedings.

In another case, ICE officers targeted Jose, a Guatemalan national who resides in Escondido, California with his partner and two US citizen children, ages five and three. Last year, ICE officers went to Jose's previous apartment address. When they were unable to locate him, they asked the property manager to call Juan from his personal phone so that they could speak with him. On the call, the ICE officers told Juan they were the "police" and that they were calling to ask whether he had finished his DUI classes. Juan told them he had completed the classes. The officers then told Juan they needed to review his paperwork and asked him to come to his previous residence. Juan agreed, confident that he had complied with all the requirements and wanting to clear up the confusion. As soon as Juan arrived, the ICE officers told him to get out of

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<sup>3</sup> *See generally* Immigrant Defense Project and Center for Constitutional Rights, "Defend Against ICE Raids and Community Arrests" at 24, 27-28, available at [http://www.nnirr.org/drupal/sites/default/files/ice-raid-toolkit-011117-w\\_o-appendices.pdf](http://www.nnirr.org/drupal/sites/default/files/ice-raid-toolkit-011117-w_o-appendices.pdf)

<sup>4</sup> Some names have been changed for privacy concerns.

his car, handcuffed him, and threw him on the floor. The two officers were wearing blue jackets with the word “police” printed on them. It was not until he was in handcuffs that the individuals identified themselves as ICE officers.

### **ICE Ruses Undermine LAPD Policy and Public Safety in Los Angeles**

ICE’s “ruse” enforcement practices will lead community members to fear reporting crimes to law enforcement and cooperating as witnesses, and undermine LAPD policies. The LAPD adopted Special Order 40 in 1979, and it has remained a cornerstone of the Department’s approach to policing in the large immigrant communities of Los Angeles. Special Order 40 provides that LAPD officers should not initiate police action with the intent to identify an individual’s immigration status.<sup>5</sup> Chief Beck has repeatedly reaffirmed the Department’s commitment to Special Order 40, and LAPD management stated in a January 2016 meeting with community groups that it would strengthen Special Order 40 to ensure that it better comports with the City’s values. Chief Beck has also made clear that the Department will not assist the Trump Administration’s aggressive immigration enforcement activities.<sup>6</sup>

Through these and other actions, LAPD has repeatedly affirmed its determination that public safety is improved when immigrant community members can report crimes and assist in investigations without fear that doing so will lead to their deportation. Likewise, the state of California has adopted measures such as the TRUST Act and the TRUTH Act that seek to disentangle local law enforcement agencies and immigration enforcement.

ICE’s practice of impersonating the police in Los Angeles jeopardizes the public safety objectives that underlie LAPD policy and relevant state law. Because of ICE’s deceptive practices, Los Angeles residents cannot discern whether an officer who says he is “police” is LAPD or ICE, and whether the officer will place them at risk at deportation. As a result, community members may be more reticent to report crimes and cooperate with LAPD officers.

ICE appears to recognize that its “ruse” tactics can have harmful impacts on local law enforcement agencies and their missions. Prior to engaging in a “ruse,” ICE policy requires its officers to obtain the permission “of an executive with the authority to grant permission for the impersonation” and to create a “memorandum documenting the [executive’s] concurrence with the plan.”<sup>7</sup> LAPD management has confirmed that it has never received such an approval request from ICE to engage in a “ruse” in Los Angeles, including during the recent enforcement actions.<sup>8</sup>

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<sup>5</sup> Special Order 40, *available at* [http://assets.lapdonline.org/assets/pdf/SO\\_40.pdf](http://assets.lapdonline.org/assets/pdf/SO_40.pdf)

<sup>6</sup> *See, e.g.*, Peter Holley, “Defiant LAPD chief says department will refuse to help Donald Trump’s deportation efforts,” *Washington Post* (November 15, 2016), *available at* [https://www.washingtonpost.com/news/post-nation/wp/2016/11/15/defiant-lapd-chief-says-department-will-refuse-to-help-donald-trumps-deportation-efforts/?utm\\_term=.356b6b7c6630](https://www.washingtonpost.com/news/post-nation/wp/2016/11/15/defiant-lapd-chief-says-department-will-refuse-to-help-donald-trumps-deportation-efforts/?utm_term=.356b6b7c6630) (“This is a population we police by creating partnerships, not by targeting them because of their immigration status”).

<sup>7</sup> ICE Enforcement and Removal Operations Fugitive Operations Handbook at 16.

<sup>8</sup> There are also serious questions as to whether ICE’s use of “ruses” to gain entry to homes is lawful. The deception may affect whether a resident’s consent to enter the home is knowing and voluntary, in compliance with the Fourth Amendment.

To protect the critical public safety function of policies intended to ensure a clear dividing line between local police and ICE, we urge you to take immediate actions to prevent ICE from engaging in these harmful practices, including:

1. Commit that the LAPD will not provide permission for ICE to impersonate police in Los Angeles, and withdraw such permission if any exists.
2. Contact Department of Homeland Security John Kelly, ICE Acting Director Thomas Homan and ICE Los Angeles Field Office Director David Jennings and demand that ICE:
  - a. immediately cease impersonating police in Los Angeles because it undermines public safety;
  - b. require its ICE officers to identify themselves as ICE officers, and wear uniforms that make that clear, when conducting enforcement actions within the City of Los Angeles; and
  - c. provide a written explanation for why ICE officers have engaged in such “ruses” without first seeking LAPD’s approval, as required by ICE policy, if no approval exists.
3. For the next meeting of the Police Commission, add this issue as an agenda item where LAPD and/or the Inspector General will report on the Department’s position.
4. Schedule a meeting with community groups to discuss LAPD’s efforts to prevent ICE from engaging in these deceptive practices, and how to work together to educate community members on how to identify LAPD officers and their rights when interacting with individuals who identify as police.

These steps are critical to ensuring that Angelinos can report crimes to law enforcement or cooperate as witnesses without fear of deportation, and make informed choices about all of the repercussions of dealing with local law enforcement to keep our communities safe.

Please contact Michael Kaufman at [mkaufman@aclusocal.org](mailto:mkaufman@aclusocal.org) or 213.977.5232 if you have any questions, and to schedule the meeting with community groups.

Sincerely,

Asian Americans Advancing Justice—Los Angeles  
ACLU of Southern California  
CARECEN-LA  
The Center for Popular Democracy  
Immigrant Defenders Law Center  
Korean American Coalition  
LAANE  
Loyola Immigrant Justice Clinic  
National Day Labor Organizing Network  
National Immigration Law Center  
National Lawyers Guild—Los Angeles  
Public Counsel  
Restaurant Opportunities Center of Los Angeles

SEIU-UHW  
UFCW Local 770  
United Union of Roofers, Waterproofers & Allied Workers, Local 36

CC:

Michael Moore, Assistant Chief, LAPD  
Richard Tefank, Executive Director of the Commission  
Alexander Bustamante, LAPD Inspector General  
Dr. Linda Lopez, Chief, Mayor's Office of Immigrant Affairs