



# FULLERTON POLICE DEPARTMENT

## MEMORANDUM

DAVID HENDRICKS, CHIEF OF POLICE

**Date:** March 29, 2018  
**To:** David Hendricks, Chief of Police  
**From:** Ken Domer, City Manager  
**Subject:** **BACKGROUND INFORMATION ON TRUST ACT (AB4) AND VALUES ACT (SB54)**

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The purpose of this memorandum is to provide background information on recent state laws dealing with law enforcement's interaction with federal immigration authorities.

California Assembly Bill 4, more commonly known as the "Trust Act," went into effect on January 1, 2014. The Trust Act primarily deals with standards for local law enforcement's response to immigration detainers placed by Immigration and Customs Enforcement (ICE). An immigration detainer is a request to local law enforcement to maintain custody of an individual for up to 48 hours, excluding weekends and holidays, and to notify ICE prior to releasing the individual.

The Trust Act now prohibits local law enforcement from holding an individual on an immigration detainer, if that person is otherwise eligible for release from custody. An example of this would be someone who was arrested for robbery but the Orange County District Attorney's Office declined to file charges, requiring that person then be released even if ICE has placed an immigration detainer in the system for that same individual. The Trust Act had exceptions for persons who had prior convictions for certain crimes or who is arrested for certain violent crimes. If none of the exceptions apply, local law enforcement may not hold a person simply because ICE files an immigration detainer. The only way to circumvent this is for ICE to secure a federal court order with which we must comply. Obtaining one is tedious and time consuming and is essentially impossible to do before a local agency must release the individual back into the community. I have personally never seen a court order come through.

Senate Bill 54, approved by the Governor in October of 2017 and effective on January 1, 2018, prohibits local law enforcement from engaging in a number of activities. Some of those activities include:

- Investigating, detaining or arresting persons for immigration purposes
- 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 or responding to requests for notification by providing release dates or other information unless that information is available to the public
- Providing personal information about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public
- Making or intentionally participating in arrests based on civil immigration warrants
- Using immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody
- Providing office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility
- Contracting with the federal government for use of facilities to house individuals as federal detainees

In the City of Fullerton, we do not house offenders for extended periods of time. Inmates are released from our jail in a variety of ways—usually within several hours:

- Subject is in custody for a misdemeanor crime and is released with a citation and a court date
- The arrestee posts bail
- Subject qualifies for release "on their own recognizance"
- Pursuant to 849(b) CA Penal Code (a section enabling police to release arrested persons due to insufficient grounds to file a charge against the arrested person)

Inmates who are not released directly from the Fullerton Police Department through one of the above are transferred to the Orange County Jail.

The Fullerton Police Department does receive immigration detainers on persons we arrest. Because of the previously stated reasons, inmates are typically already out of custody by the time the detainer request is received; however, there are times this is not the case and we receive a detainer request while the person in question is still in our custody. When this occurs, the Fullerton Police Department complies with the Values Act and does not hold those persons unless there is a qualifying exception under the law. On average, we receive approximately three or four detainer requests a month from Immigration and Customs Enforcement.

Should you have any questions regarding this please contact me at extension 6825.