L 7900 - COOPERATION WITH OTHER CRIMINAL JUSTICE AGENCIES
The Department will maintain a close working relationship with other law enforcement or law enforcement related agencies and make available information concerning techniques, procedures and statistics developed or used by the Department.

PROCEDURE

L 7901 DISSEMINATION OF INFORMATION:
Authorized department members, when possible, will disseminate to interested outside agencies the documentation of research projects, experiments or programs implemented by the San Jose Police Department.

L 7902 ENFORCEMENT AND/OR INVESTIGATIONS IN OTHER JURISDICTIONS:
Department members may conduct activities outside the corporate limits of the city after first obtaining approval of competent authority and in cooperation with the agency having jurisdiction.

EXCEPTION: When an enforcement action begins within the corporate limits of the city but extends uninterrupted into another jurisdiction, officers may continue the enforcement action.

L 7903 RETURN OF ARRESTED SUSPECTS:
When an arrest is made in another jurisdiction within the state, the arresting officer is authorized to return the arrested person to the jurisdiction of the city. When an arrest is to be made outside the state, officers will adhere to the DM Section L 3900, (Return of Wanted Persons).

L 7904 ARRESTS FOR INCIDENTS OCCURRING WITHIN THE COUNTY:
When an arrest is made within or adjacent to San Jose in which the arrested party is responsible for a crime that just occurred in another jurisdiction within the county, the suspects will immediately be turned over to the agency in which the crime was committed.

L 7905 USE OF DEPARTMENT HELICOPTER BY OUTSIDE LAW ENFORCEMENT AGENCIES:
The Helicopter Unit may be available for use by outside agencies to respond to high priority emergency situations. Department aircraft will not respond to any location outside the City of San Jose to assist another agency without prior consent of the on-duty BFO watch commander or, in his/her absence, the on-duty Communications watch commander.
REFERRAL TO PROPER JURISDICTION:
In those situations where the legal remedy of the complaint lies outside the jurisdiction of the Department, Department members will politely advise the complainant of the fact and refer such complainant to the proper authority.

OFFICE OF THE DISTRICT ATTORNEY:
Members of the Department will cooperate with the District Attorney's Office at all times in the discharge of their duties. Requests by the District Attorney's Office for evidence such as statements and other material will be complied with promptly and efficiently.

Reports regarding criminal cases will not be released to the Public Defender's Office without prior permission from the District Attorney's Office.

STATE NARCOTICS DIVISION:
The policy of this Department is to cooperate with the State Narcotics Division so that violators are prosecuted quickly and efficiently. To this end, officers investigating narcotic cases will exchange information with the State Narcotics Division when practical.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL:
Members of the Police Department will notify the Department of Alcoholic Beverage Control of violations of the Alcohol Beverage Control Act and coordinate their efforts with the personnel of that department. Members of the Department will not merely refer matters to the Department of Alcoholic Beverage Control, but will investigate and instigate the prosecution of violators in cooperation with the Department of Alcoholic Beverage Control.

POSTAL INSPECTION SERVICE:
When necessary to report emergencies relating to postal service operations, Department members will contact the "postal inspector in charge" through the San Francisco telephone information operator.

Postal security will be contacted whenever the emergency involves one or more of the following:

- Robbery of postal facilities or on-duty employees of the postal service
- Burglaries or attempted burglaries of postal facilities or equipment
- Bombings or bomb threats against postal facilities or equipment
- Fire involving postal facilities or equipment
- Postal vehicle accidents involving death or serious injury or loss of U.S. Mail
- Any other major catastrophe involving postal operations

A General Offense Report (Form 200-2-AFR) will then be completed detailing the incident and actions taken.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT:
(Revised 05/15/15)
The responsibility for enforcement of civil immigration laws rests with the U.S. Immigration and Customs Enforcement. In accordance with the March 6, 2007 City Council “Resolution of Support of Public Safety and Immigrant Rights” (Resolution No. 73677), members of the Police Department will not initiate police action where the primary objective is to discover that the person is an undocumented immigrant or to discover the status of the person under civil immigration laws. Otherwise law-abiding, undocumented immigrants should not fear arrest or deportation for coming forward to members of the Police Department to report a crime as a victim or a witness. At the same time, the Department will continue to cooperate with the U.S. Immigration and Customs Enforcement in matters involving serious crimes, the protection of public safety, and as required by statute, federal regulation, or court decisions.

The policy of the Police Department in relation to undocumented immigrants is as follows:

- Officers will not detain or question a person for the purpose of discovering either the person’s citizenship or status under civil immigration laws.

- Officers will not detain or arrest any person on the basis of the person’s citizenship or status under civil immigration laws.

- In instances where the arrestee has been arrested for a crime specified in California Health and Safety Code Section 11369 and the arresting officer has reason to believe that the arrestee is not a United States citizen, the arresting officer will complete the U.S. Immigrations and Customs Enforcement form at Pre-Processing and fax it to (408) 918-4001. After business hours, the U.S. Immigration and Customs Enforcement can be reached at (802) 872-6020. The information is documented in the arrest report. The belief that a person arrested for one of the crimes specified in California Health and Safety Code Section 11369 is not a United States citizen cannot be based solely upon the arrestee’s race, nationality, ethnicity, country of origin, inability to speak English, or “foreign” appearance, dress or mannerisms.

- Notwithstanding, nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity.

**L 7911.1 U-VISA REQUIREMENTS:**

*Added 05-19-16*

California Penal Code 679.10 imposes certain requirements on law enforcement agencies when responding to U-Visa certification requests from noncitizen victims of crime. Penal Code 679.10 requires certifying agencies to complete the certification within 90 days of the request, except in cases where the applicant is in immigration removal proceedings, in which case the certification must be completed within 14 days of the request. Importantly, Penal Code 679.10 also states:

- For purposes of determining helpfulness, there is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection or
investigation or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement.

- A certifying official may only withdraw the certification if the victim refuses to provide information and assistance when reasonably requested.

- The certifying official shall fully complete and sign the Form I-918 Supplement B certification and, regarding victim helpfulness, include specific details about the nature of the crime investigated or prosecuted and a detailed description of the victim’s helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity.

- A certifying entity is prohibited from disclosing the immigration status of a victim or person requesting the Form I-918 Supplement B certification, except to comply with federal law or legal process, or if authorized by the victim or person requesting the Form I-918 Supplement B certification.

- A current investigation, the filing of charges, and a prosecution or conviction is not required for the victim to request and obtain the Form I-918 Supplement B certification from a certifying official.

- A certifying entity that receives a request for a Form I-918 Supplemental B certification shall report to the Legislature, on or before January 1, 2017, and annually thereafter, the number of victims that requested Form I-918 Form B certifications from the entity, the number of those certification forms that were signed, and the number that were denied. A report pursuant to this subdivision shall comply with Section 9795 of the Government Code.

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**L 7911.2 PROCEDURES FOR U-VISA APPLICATION, CERTIFICATION AND TRACKING:**

*Added 05-19-16*

The Court Liaison Unit (CLU) will be the primary U-Visa coordinator. Requests for U-Visa certifications or assistance in applying for U-Visa certifications will be forwarded to the CLU for processing and tracking.

**Responsibilities of OSSD and Information Center Officers:**

- Route any U-Visa related mail to the CLU for processing, special attention U-Visa Coordinator.

- Accept all in-person applications for U-Visas and route all applications to CLU, special attention U-Visa Coordinator.

- If applicants have additional questions, refer them to the CLU at (408)-537-1296. Applicants may also be referred to SJPD.ORG for additional detailed information on the U-Visa program and application documents.
Responsibilities of CLU Supervisor:

- Confirm there is a crime report documenting the qualifying crime. If there is no police report documenting the qualifying crime, the application should not be accepted. However, the victim should be given instruction on how to make a police report if none exists. Supporting material should not be accepted with the U-visa application. Victims should be advised that supporting material can be presented to the United States Citizen and Immigration Service (USCIS).

- Determine the current status of the case.

- If the case was initially forwarded to the DA's office, the U-Visa certification may be forwarded to the U-Visa Clerk, (Attention: U-Visa Clerk).

- If the case has not been filed by the Office of the District Attorney, assign the certification request to the appropriate investigative unit.

- If the case was not assigned to an investigative unit, review the police reports and complete U-Visa certification.

- Follow-up with assigned investigative unit if a U-Visa certification is not returned within 90 days.

- Track the number of victims that requested certifications, the number of certifications signed and the number of certifications denied for annual audit.

Responsibilities of Assigned Investigative Unit Supervisor:

- Complete the certification within 90 days of the request, except in cases where the applicant is in immigration removal proceedings, in which case the certification must be completed within 14 days of the request. (Only persons in a supervisory role are authorized to sign).

- Forward completed certification to CLU for processing within 90 days.

Instructions for completing the certification and Form 918 Supplemental B declaration can be found on the United States Citizenship and Immigration Services website: https://www.uscis.gov/sites/default/files/files/form/i-918instr.pdf

United States Secret Service:
The United States Secret Service is responsible for the protection of the President and other persons associated with the Presidency, as well as foreign dignitaries who may be visiting in the United States. Members of the Department will cooperate with agents of the Secret Service during investigations that involve Secret Service protectees.

The policy of the Department in coordinating investigations involving threats against Secret Service protectees is as follows: