

Burbank Police Department & Federal Immigration Enforcement

FREQUENTLY ASKED QUESTIONS



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Burbank Police Department & Federal Immigration Enforcement

The Burbank Police Department

The Burbank Police Department (BPD) is a municipal law enforcement agency responsible for enforcing state and local criminal laws within the City of Burbank. Our sworn personnel and professional staff are dedicated to safeguarding the City's residents, visitors, and workforce through community policing, problem-solving partnerships, and a commitment to transparency and constitutional policing.

The BPD is not responsible for enforcing federal civil immigration laws. Immigration enforcement is the responsibility of the federal government. While BPD officers may arrest individuals wanted for criminal violations of federal law, including criminal immigration offenses, the Department does not engage in immigration actions unrelated to criminal investigations.

Federal Immigration Authorities

Federal agencies such as U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE) administer and enforce federal civil and criminal immigration laws. These agencies are responsible for evaluating immigration status, investigating immigration-related crimes, and initiating removal proceedings.

Laws & Policies

BPD's role in immigration matters is guided by federal, state, and local laws, including the California Values Act (SB 54). The majority of SB 54's requirements have long aligned with BPD's practices: focusing on public safety, building trust, and ensuring residents feel safe reporting crime regardless of immigration status.

The following Frequently Asked Questions (FAQ) provide clarity on BPD's responsibilities and limitations regarding immigration enforcement.

Frequently Asked Questions

Does the BPD arrest people for civil immigration violations?

No. Officers may not detain or arrest anyone for a civil immigration violation or based on civil immigration warrants.

Can an officer stop someone to check their immigration status?

No. Officers may not stop, detain, or question anyone solely to investigate immigration status. Immigration inquiries are prohibited except when required by law or for victim-assistance programs (e.g., U and T Visas).

The U Visa and T Visa are federal immigration programs created to help victims of certain crimes who have suffered harm and who assist law enforcement. These visas are designed to protect vulnerable victims, encourage crime reporting, and support police investigations.

Local police do not issue them; they are granted by U.S. Citizenship and Immigration Services (USCIS).

Are there criminal immigration laws that BPD may encounter?

Yes. While most immigration matters are civil, some violations, such as Improper Entry (8 USC §1325) or Illegal Re-Entry (8 USC §1326), are federal crimes investigated and prosecuted by federal authorities.

Can BPD arrest someone with a criminal immigration warrant?

Yes. A judicial warrant issued by a federal judge or magistrate for a criminal immigration violation must be honored. BPD will arrest and transfer the person to federal custody.

Can BPD make a warrantless arrest for Improper Entry (8 USC §1325)?

No. Officers may not detain or arrest individuals for 8 USC §1325 or any other criminal immigration offense aside from 8 USC §1326(a) as defined in BPD Policy 428.

Can BPD temporarily detain someone suspected of illegal re-entry (8 USC §1326)?

Yes, but only under limited, legally defined circumstances. If an individual is already lawfully detained and there is reasonable suspicion that they violated 8 USC §1326(a) with an aggravated felony enhancement, officers may briefly detain them to verify their status with federal authorities. No person may be held past their release time due to unresolved immigration questions.

Does BPD interview arrestees about their immigration status?

No. Officers are prohibited from interviewing or investigating individuals for immigration enforcement purposes (Government Code §7284.6 & BPD Policy 428).

Does BPD ask for the place of birth?

Generally, no. Birthplace may be requested only when required for a criminal investigation, consular notification, or during lawful booking procedures.

Does BPD notify ICE when someone is arrested?

No. BPD does not notify ICE about civil immigration matters. However, when fingerprints are sent to the FBI during the booking process, ICE may access the information independently through federal databases.

Does BPD notify ICE when there is a criminal immigration warrant?

Yes. When a valid federal criminal warrant exists, notification and transfer to federal authorities are permitted.

Does BPD honor ICE “detainer” requests?

No. Senate Bill 54 and federal court rulings prohibit local law enforcement from holding individuals solely on ICE detainers, which are not judicial warrants. The BPD does not detain

anyone based on an ICE detainer alone. Notification to federal authorities may occur only when the specific conditions listed in Government Code §7282.5 are met.

Will BPD hold someone longer if ICE sends an administrative “warrant”?

No. Administrative warrants are not judicial warrants issued by judges and may not be used to hold someone longer in custody.

Does ICE interview people in BPD jail facilities?

Only with voluntary, written consent using TRUTH Act consent forms. Without signed consent, interviews are not permitted (BPD Policy 428).

Does BPD maintain immigration-related records?

Only when required by law or necessary for U or T visa certifications or related investigations.

Does BPD transfer individuals to ICE for civil immigration reasons?

No. Transfers are only permitted under the limited conditions listed in Government Code §7282.5 and BPD Policy 428.

Does BPD participate in ICE civil immigration operations?

No. Assistance is not provided for civil immigration enforcement except during emergencies or when criminal activity is involved (California Values Act – Government Code §7284.2 & BPD Policy 428).

Does BPD participate in criminal investigations with ICE unrelated to immigration?

Yes, when criminal investigations involve crimes such as human trafficking, narcotics, child exploitation, or fraud, and are unrelated to immigration enforcement. BPD participation is strictly limited to criminal investigations, not civil immigration actions.

What is the California Values Act (SB 54)?

California Senate Bill 54 (SB 54), also known as the California Values Act, was passed in 2017 and enacted Government Code Sections 7284 through 7284.12. These laws guide how local law enforcement, including the Burbank Police Department, may interact with federal immigration authorities. BPD Policy 428 ensures full compliance with SB 54, TRUTH Act requirements, and reporting obligations.

Resources

The Burbank Police Department is dedicated to keeping our community safe while building trust through transparency, fairness, and respect for the law. We are committed to preventing crime, protecting the rights and dignity of everyone, and providing equal service to all members of our community, regardless of immigration status.

Our officers focus on community policing, problem-solving partnerships, and open communication to ensure that Burbank remains a safe, welcoming, and inclusive city for everyone.

As part of the Department's and City's continued commitment to empowering and educating the community, the City has launched a "Know Your Rights" website, which provides regular updates and important details on existing laws and community resources. For more information, visit: burbankca.gov/know_your_rights.