



AGENCY: City Council
MEETING DATE: June 26, 2017
DEPARTMENT: Police Dept.
PRESENTED BY: Chief Lizarraga
EMAIL ADDRESS: FLizarraga@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

RECEIVE REPORT FROM CHIEF LIZARRAGA REGARDING DECISION TO DECLINE REQUEST BY U.S. IMMIGRATION & CUSTOMS ENFORCEMENT'S HOMELAND SECURITY INVESTIGATION UNIT (HSI) FOR POLICE DEPARTMENT ASSISTANCE IN "GANG SURGE" OPERATION

ISSUE:

In March 2017, the Fort Bragg and Ukiah police chiefs declined a request by the U.S. Immigration and Customs Enforcement's Homeland Security Investigation Unit (HSI). The Acting Chief in Willits did not weigh in. HSI had requested that uniformed officers from our local police departments assist in a "gang surge" operation to apprehend criminal street gang members. HSI's request was directed through the District Attorney's Office representative in the Mendocino Area Gang Suppression Unit (MAGSU). This item is agendized to explain the rationale behind the decision of Chief Lizarraga and Chief Dewey to not participate. District Attorney David Eyster has also been invited to present his perspective on the matter.

RECOMMENDED ACTION:

This is an informational item. No action is recommended.

ALTERNATIVE ACTION(S):

None.

ANALYSIS:

HSI's request for local participation in a "gang surge" operation was presented by the District Attorney's Office MAGSU representative at the monthly Chiefs Meeting in March 2017. At that time, Chief Dewey and Chief Lizarraga declined to have their officers participate for the following reasons:

- (1) Concerns that having our uniformed police officers accompanying HSI officers would undermine the trust and cooperation that our police departments work hard to build and maintain with members of our immigrant community;
- (2) Concerns that the HSI-led "gang surge" would probably result in the detention of undocumented immigrants who are not engaged in criminal activities but, as a result of their association with the targeted individual, are swept up;
- (3) Confidence that our local police forces are capable of identifying and apprehending criminal street gang members in our communities;
- (4) Concerns that MAGSU was in a transitional period. It was shortly after the request from HSI that a new commander was appointed to lead MAGSU and preparation of a new MOA commenced.

It is noteworthy that in the past five months, the Fort Bragg Police Department has arrested 16 suspects on charges relating to participation in gang activities.

It is also noted that HSI has the authority to conduct operations in our communities with or without local Police Department assistance. In the event that tactical support or back-up is needed during an HSI operation, the Fort Bragg Police Department would provide assistance under standard mutual aid protocols.

News reports of the six-week nationwide HSI gang surge operation conducted this spring indicate that it resulted in 1,378 arrests across the United States. According to the ICE website, 1,098 confirmed gang members and affiliates were arrested on federal and/or state criminal charges. The remaining 280 arrestees will face administrative immigration violations.

FISCAL IMPACT:

None.

CONSISTENCY:

On January 9, 2017, the Fort Bragg City Council unanimously adopted Resolution No. 3972-2017, a “Resolution of the Fort Bragg City Council Affirming Commitment to Non-Discrimination and Support for Immigrants in Our Community.” (See attached Resolution.) The resolution was intended to respond to concerns and fears in the community relating to possible changes in federal immigration policy. The resolution reiterates the FBPD’s policies regarding non-discrimination and explains that the FBPD relies upon community members to report crimes and assist with investigations without fear of arrest or deportation. The resolution also indicates that the FBPD has a long-standing practice of not participating or aiding in immigration raids, sweeps, or detentions of people solely to determine their immigration status.

While the HSI gang surge operation was focused on criminal street gang members and was not an immigration sweep, both Chief Lizarraga and Chief Dewey felt that having local police officers participating alongside HSI agents would erode the relationship between our police departments and local immigrants and, on balance, would undermine efforts to protect public safety in our communities.

IMPLEMENTATION/TIMEFRAMES:

Not applicable.

ATTACHMENTS:

1. Resolution No. 3972-2017

NOTIFICATION:

None

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Agency Action	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved as Amended
Resolution No.:	_____	Ordinance No.:	_____
Moved by:	_____	Seconded by:	_____
Vote:	_____		
<input type="checkbox"/> Deferred/Continued to meeting of:	_____		
<input type="checkbox"/> Referred to:	_____		