

## FAQs Regarding District Police Interaction with Undocumented Persons

- 1. What federal immigration enforcement officers might seek access to the campus, and what authority do they have?**

The immigration officers who seek to apprehend and remove (or “deport”) an individual unlawfully present in the United States are most often officers of the U.S. Immigration and Customs Enforcement (ICE), who are part of the agency’s Enforcement and Removal Operations (ERO). U.S. Customs and Border Protection (CBP) officers could also seek to apprehend and remove individuals on certain campuses. These ICE and CBP officers work for the Department of Homeland Security (DHS), and they typically act on civil authority, not criminal authority.

The warrants these officers carry to apprehend individuals are generally administrative (civil) warrants that do not authorize officers to enter limited access areas of the District without consent. In some cases, ICE and CBP officers may be exercising criminal enforcement powers or may work with law enforcement officers who may present a criminal arrest or search warrant that has been signed by a judge (a judicial warrant). These judicial warrants do not require consent and provide greater authority for ICE or CBP officers to enter premises that are not open to the general public on campus.

- 2. What is the likelihood that ICE or CBP would carry out federal immigration enforcement activities on a Delta College campus?**

Both ICE and CBP currently have policies in place to avoid immigration enforcement at sensitive locations, including schools, unless there are exigent circumstances or prior approval from a supervisor.

Although it has been said that President Trump is looking into changing these policies, the reality is that ICE and CBP simply do not have the resources available to target a community college with such a large, un-housed student population. The difficulty in trying to locate individuals in a large public location, such as this college, is time-consuming and resource-prohibitive.

- 3. Are there exceptions to ICE and CBP policies that allow them to come onto college campuses?**

Yes. Some of these exceptions are:

- A. Reasons unrelated to enforcement (e.g. recruitment or presentations)
- B. Enforcement actions on campus in the case of emergencies that are related to national security, terrorism, or public safety.

- 4. Will District Police Officers work with federal immigration officers to apprehend and remove individuals from campus on the basis of immigration enforcement?**

No. Jurisdiction over enforcement of federal immigration laws rests with the federal government and not with the District Police. District Police are devoted to maintaining a safe and secure environment to support San Joaquin Delta College’s commitment to student success. The District Police Department will not divert its resources from this mission in order to enforce federal immigration laws.

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**5. Can the District or the District Police prevent federal immigration enforcement officers from coming on campus or entering District buildings or property?**

Generally, no. Delta College is a public college and a large portion of District property is open to the general public. The District does not have the authority to prohibit federal immigration enforcement officers from coming on campus or entering buildings to enforce federal law. The areas on campus that are open to the general public are also open to federal immigration enforcement officers.

However, public access is limited in certain areas of District campuses and property because of privacy concerns, operational needs or safety considerations. Campus buildings and spaces in which access is physically restricted, such as by key card, locked doors, or monitored entryways, fall into this category. Limited access spaces also include some that may normally be left unlocked during the workday, including, for example, administrative or faculty offices, classrooms while classes are in session, clinic exam rooms, locker rooms, kitchens and food preparation areas, maintenance areas, storage facilities, and physical plant operations.

Additionally, the District has recently re-affirmed its status as a sanctuary college. With this status, the District will not provide student information to assist ICE or CBP through an administrative warrant. The District will only comply with judicial warrants and subpoenas signed by a judge.

**6. What should I do if a federal immigration enforcement officer presents me with a warrant?**

If you are presented with a warrant by a federal immigration enforcement officer seeking to enter the campus or other limited access areas of your workplace on District property, you should immediately contact and inform the Superintendent/President's office. As mentioned previously:

- A civil and administrative warrant does not authorize entry into limited access areas without consent.
- A criminal search or arrest warrant may authorize entry without District consent.

Because it may be difficult to distinguish the difference between the different warrants, you should:

- Ask the officer for their name, badge or ID number, and agency affiliation
- Ask for a copy of the warrant(s) and/or subpoena(s)
- Inform the officer that you are not trying to obstruct their process but need to consult with the Superintendent/President for guidance.

Under no circumstances should you try to prevent the officers physically.

**7. What should I do if a federal officer asks me for or gives me a subpoena for personally identifiable private information or records about a student, employee or patient?**

Personal and personally identifiable information is District records, and those records themselves, are protected by a wide variety of privacy laws and District policies, including the Family Education Rights and Privacy Act (FERPA).

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As a District employee, you are required to maintain the confidentiality of personal and personally identifiable information, as well as records containing such information. The District generally requires that law enforcement officers produce a valid subpoena authorizing the disclosure of student records that contain personal or personally identifiable information. Generally speaking, law enforcement officers do not have greater access to students of other District records than any other member of the public unless they have a valid judicial warrant or subpoena.

If you receive a request for personal or personally identifiable information or records containing such information, or if the federal immigration enforcement officer gives you a warrant or subpoena seeking such records, you should take steps to ensure you have the authority to provide access to the specified records.

Because it may be difficult to distinguish the difference between the different warrants, you should:

- Ask the officer for their name, badge or ID number, and agency affiliation
- Ask for a copy of the warrant(s) and/or subpoena(s)
- Inform the officer that you are not trying to obstruct their process but need to consult with the Superintendent/President for guidance.

Under no circumstances should you try to prevent the officers physically.

- 8. Are District employees required to assist federal immigration authorities in granting permission to enter limited access spaces when officers do not have a judicial warrant?**  
No. District Employees are not required to assist federal immigration authorities as suggested above. However, they are required to direct the immigration officials to the District Superintendent/President's office.

Although you are not required to assist, it is important to understand that federal law prohibits you from hiding evidence, concealing or hiding individuals who are the subject(s) of law enforcement activity, or interfering with an arrest. Further, you should never place yourself in physical danger.

- 9. Does it make a difference if a student is an international student?**  
International students are subject to different requirements. Colleges are required to exchange data with federal immigration agencies on the status of international students on F-1, J-1, or M visas through the use of the government database named "SEVIS," which is part of the Student and Exchange Visitor Program (SEVP). In addition, certain information about those students is required to be retained and produced by the District upon request from DHS and ICE.

According to the Department of Education, FERPA permits institutions to comply with information requests from DHS in order to comply with the requirements of the SEVP program. However, this does not create a blanket waiver of an international student's FERPA rights; the information that can be disclosed is limited to the categories listed in DHS regulations, and a request must be made to a campus Designated School Official (DSO). Other information about

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International students is entitled to the same FERPA protection that otherwise governs student records.

All DHS, ICE, and CBP requests should be referred to the Superintendent/President's office for vetting.

**10. Will the District Police Department contact, detain, question, or arrest an individual on the basis of being a suspected undocumented immigrant?**

District Police officers will not contact, detain, question, or arrest an individual solely on the basis of suspected undocumented immigration status or to discover the immigration status of any individual. District Police will not undertake joint efforts with federal immigration enforcement authorities to investigate, detain, or arrest individuals for violation of federal immigration law.

**11. If ICE or CBP operations were to take place on campus, what would the District Police Department do?**

As previously mentioned, the likelihood of U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) officers conducting immigration enforcement activities on campus is extremely low.

In the very unlikely event that federal immigration enforcement activities were to occur on any of our campuses, it is important to know that the District Police Department does not have the authority to prevent or stop ICE or CBP from conducting an enforcement operation.

Should this unlikely scenario happen, the District Police Department would do everything possible to try to limit trauma and ensure that the physical safety of our students is maintained and work to prevent injuries and property damage.