

## CHIEF OF DETECTIVES

**NOTICE**  
1.8

January 8, 2024

**TO:** All Department Personnel

**FROM:** Chief of Detectives

**SUBJECT:** ASSEMBLY BILL 1261 – CRIME: WITNESSES AND INFORMANTS

The purpose of this Notice is to provide awareness and direction regarding Assembly Bill (AB) 1261 – *Crime: Witnesses and Informants* which amends California Penal Code (PC) Sections 679.10, defining requirements for processing law enforcement certification requests for U Visa applicants, and PC Section 679.11, defining requirements for processing law enforcement declaration requests for T Visa applicants. In addition, AB 1261 adds PC Section 679.13, which introduces requirements for completing an S Visa application for qualified criminal informants. The law will become effective January 1, 2024.

The amendments to PC Sections 679.10 and 679.11 are listed below. For additional detail on Department policy, refer to Department Manual Section 4/264.70, *Law Enforcement Agency Declaration for Immigrant Victims of Human Trafficking (T Visa)*, and Department Manual Section 4/264.72, *Law Enforcement Agency Certification for Immigrant Victims of Serious Crimes Against Persons (U Visa)*.

- The person requesting certification/declaration does not have to provide government issued identification;
- The person requesting certification/declaration does not have to be in the United States;
- For purposes of determining helpfulness, there is a rebuttable presumption that a victim was helpful. If the victim reasonably asserts they were unaware of a request for cooperation, their failure to cooperate does not rebut the presumption of helpfulness;
- When denying a certification/declaration, the certifying entity shall provide a written explanation for the denial including specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate;
- The certification/declaration request shall be processed within seven business days if the victim (applicant) asserts a qualifying family member will lose eligibility to be included on the U or T Visa application within 60 days of the certification/declaration request;
- A current investigation, filing of charges, apprehension of the suspect, closing of the case, and prosecution or conviction are not required to complete a certification/declaration request;
- A certification/declaration request cannot be denied because of the victim's criminal history, immigration history, gang membership/affiliation, the belief that the visa will not

be approved by the United States Citizenship and Immigration Services, an open case with another agency, extent of harm the victim suffered, inability to produce a copy of the crime report, and level of cooperation in a separate case; and,

- Law enforcement certification/declaration can be for direct victims, indirect victims, and bystander or witness victims.

Existing federal law provides a S Nonimmigrant status visa form (also known as an S Visa), which gives temporary immigration benefits to a person who is a witness or informant. Penal Code Section 679.13 codifies requirements for law enforcement certification requests for S Visa applicants.

To qualify for an S Visa, a person must meet the following requirements to be a qualified criminal informant:

- Have reliable information about an important aspect of a crime or pending commission of a crime;
- Be willing to share that information with law enforcement officials or become a witness in court; and,
- The person's presence in the United States is important and leads to the successful investigation or prosecution of a crime.

If the person meets the requirements to be a qualified criminal informant, the law enforcement agency shall apply for the S Visa. The assigned investigating Area/division is responsible for completing the S Visa certification and filing the paperwork with the United States Department of Justice.

If you have any questions, please contact the U Visa Coordinator, Detective Bureau, at (213) 486-7000.



ALAN S. HAMILTON, Deputy Chief  
Chief of Detectives

APPROVED:



DANIEL RANDOLPH, Deputy Chief  
Chief of Staff  
Office of the Chief of Police

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