

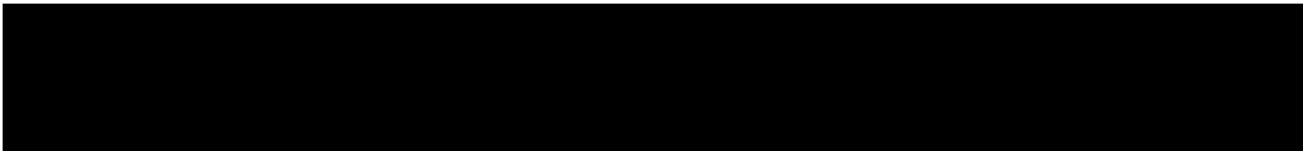
CHAPTER 5

UNITED STATES DEPARTMENT OF HOMELAND SECURITY,  
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT,  
DRUG SMUGGLING ASSISTANCE

TABLE OF CONTENTS

PURPOSE..... 5-3  
GENERAL..... 5-3  
POLICY..... 5-4  
[REDACTED]  
RESPONSIBILITIES..... 5-6

ANNEX



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## CHAPTER 5

### UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, DRUG SMUGGLING ASSISTANCE

1. PURPOSE. The purpose of this chapter is to establish policy and procedures for responding to requests for drug smuggling ground-interception assistance from the United States Department of Homeland Security (DHS) and United States Immigration and Customs Enforcement (ICE).
  
2. GENERAL.
  - a. United States Immigration and Customs Enforcement interact with a multitude of local law enforcement agencies. The delay in response associated with attempting to locate and call the appropriate local agency lessens the chance of apprehending suspected airborne drug smugglers at the point of landing.
  
  - b. United States Immigration and Customs Enforcement has requested the Department serve as a centralized contact/relay point to assist them in coordinating with allied agencies in order to intercept and arrest suspected drug smugglers. This request was based on the fact that the Department is the only agency in the state which has a 24-hour statewide law enforcement radio network. Also, California Highway Patrol (CHP) officers possess the training and authority to deal with highly mobile groups of smugglers at any time and place within the state.
  
  - c. United States Immigration and Customs Enforcement has reviewed and concurred with the process and procedures specified in this chapter.
  
  - d. The Public Utilities Code (PUC) Section 21252 gives every peace officer the authority to enforce the rules and orders issued under Division 9, PUC, Aeronautics Act, and all other laws of this state, relating to the operation of aircraft. (See Highway Patrol Manual 100.69, General Law Enforcement Policy Manual, for specific guidelines for enforcing laws pertaining to aircraft.)
    - (1) Public Utilities Code Section 21403. Flight in an aircraft over the land and water of this state is lawful, unless at altitudes below those prescribed by federal authority, or conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his or her consent, is unlawful except in the case of a forced landing or pursuant to PUC Section 21662.1. The owner,

lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.

(2) Public Utilities Code Section 21410. Requires pilots to keep any certificate, permit, rating, or license in possession while operating within the state. The document shall be presented for inspection upon the demand of any peace officer.

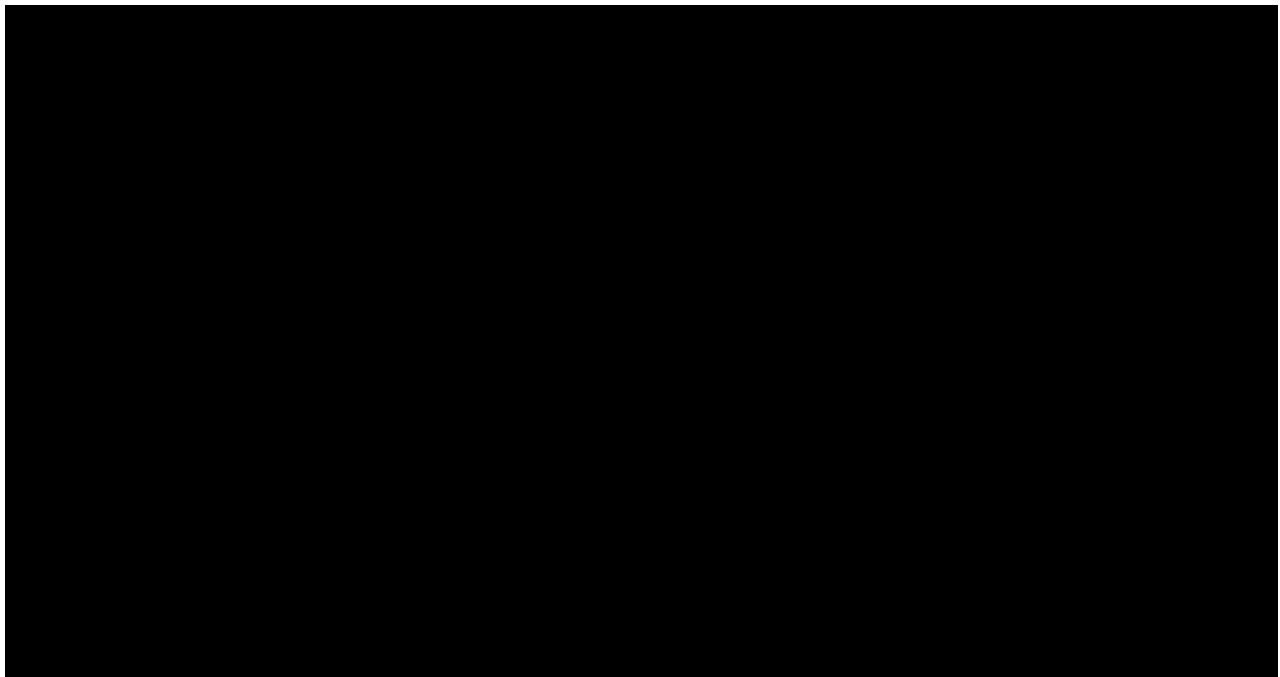
3. POLICY. The Department shall, upon request, provide ground-interception assistance to DHS/ICE in apprehending suspected airborne drug smugglers.

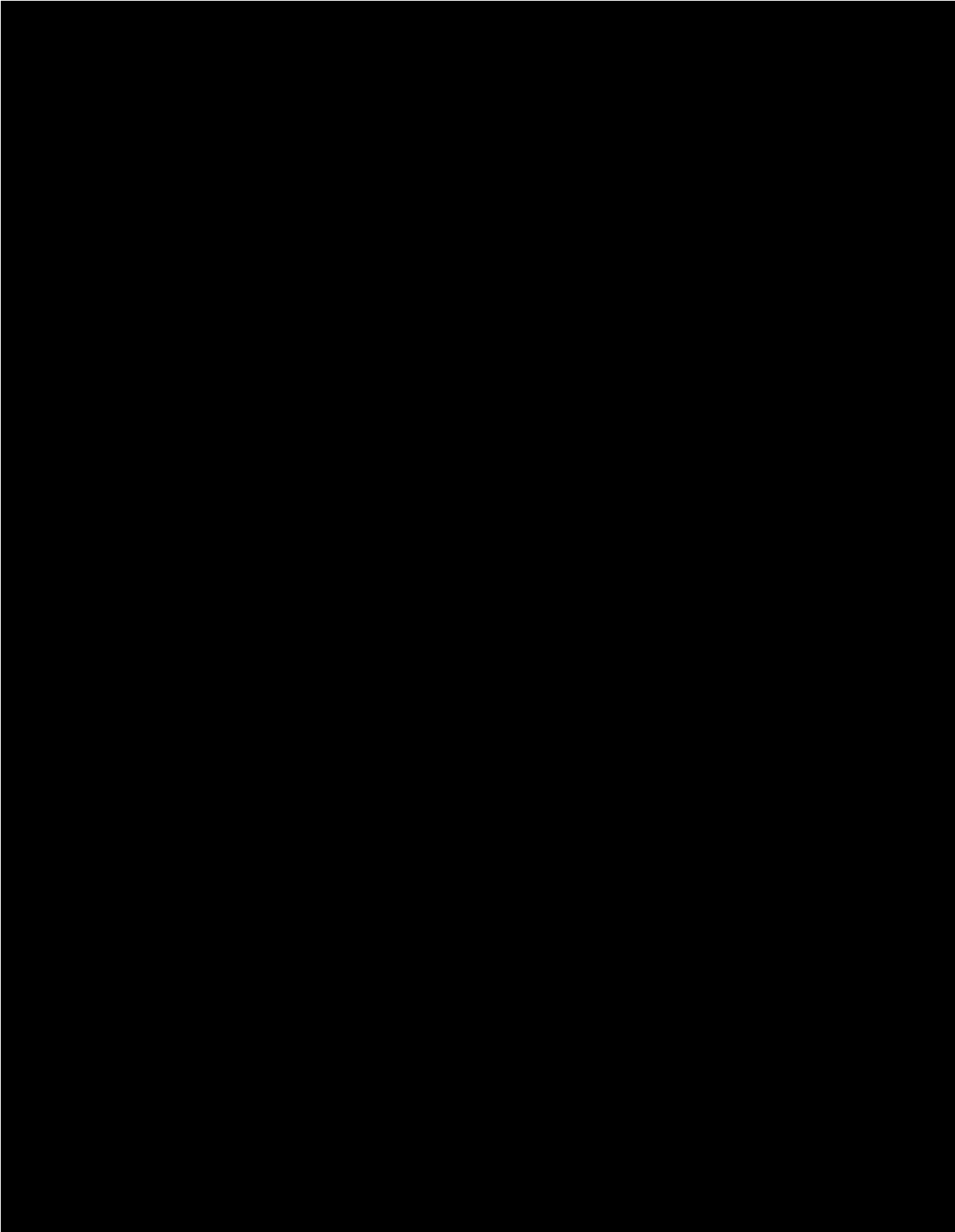
a. The Department will notify the appropriate law enforcement agency, with jurisdiction at the point of landing, of the request for assistance from DHS/ICE.

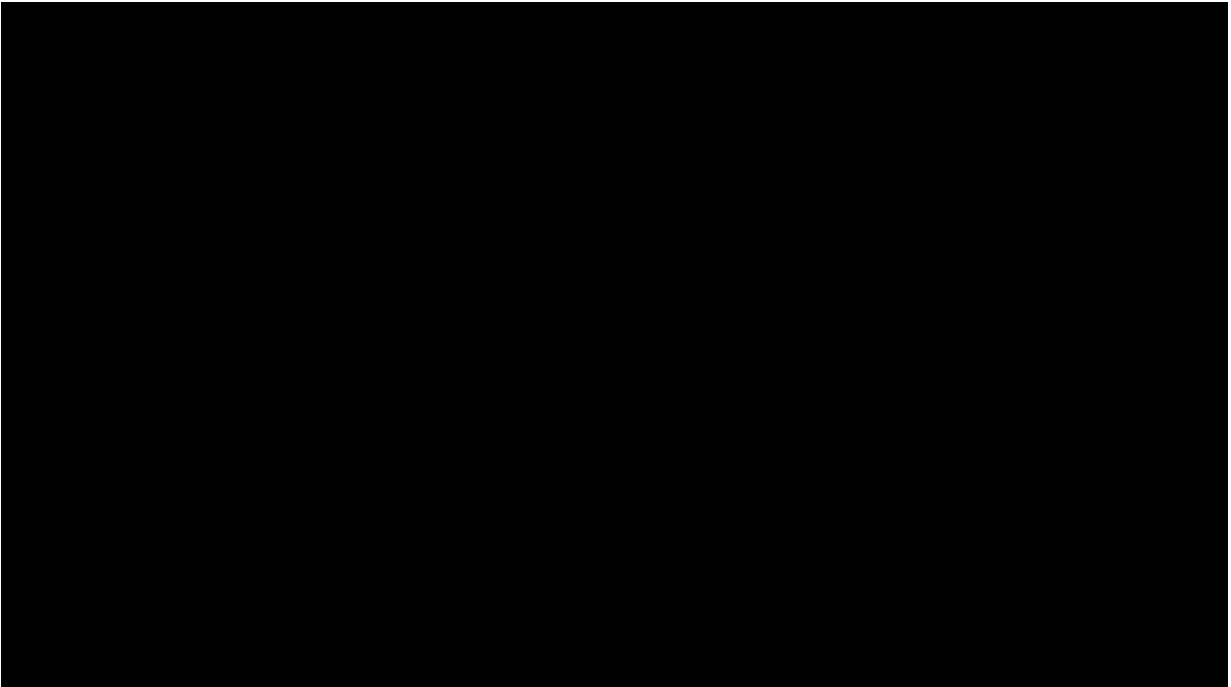
b. If the local law enforcement agency is unable to provide a timely response or requests a joint CHP-local agency response, the on-duty CHP Area supervisor and the appropriate number of CHP field units will respond and render assistance.

c. The Department will provide assistance only until the situation can be turned over to the responsible local agency or DHS/ICE officials.

d. It is the responsibility of the appropriate local law enforcement agency to assist in such situations. However, the Department must be prepared to quickly respond and provide necessary assistance to DHS/ICE and local authorities.

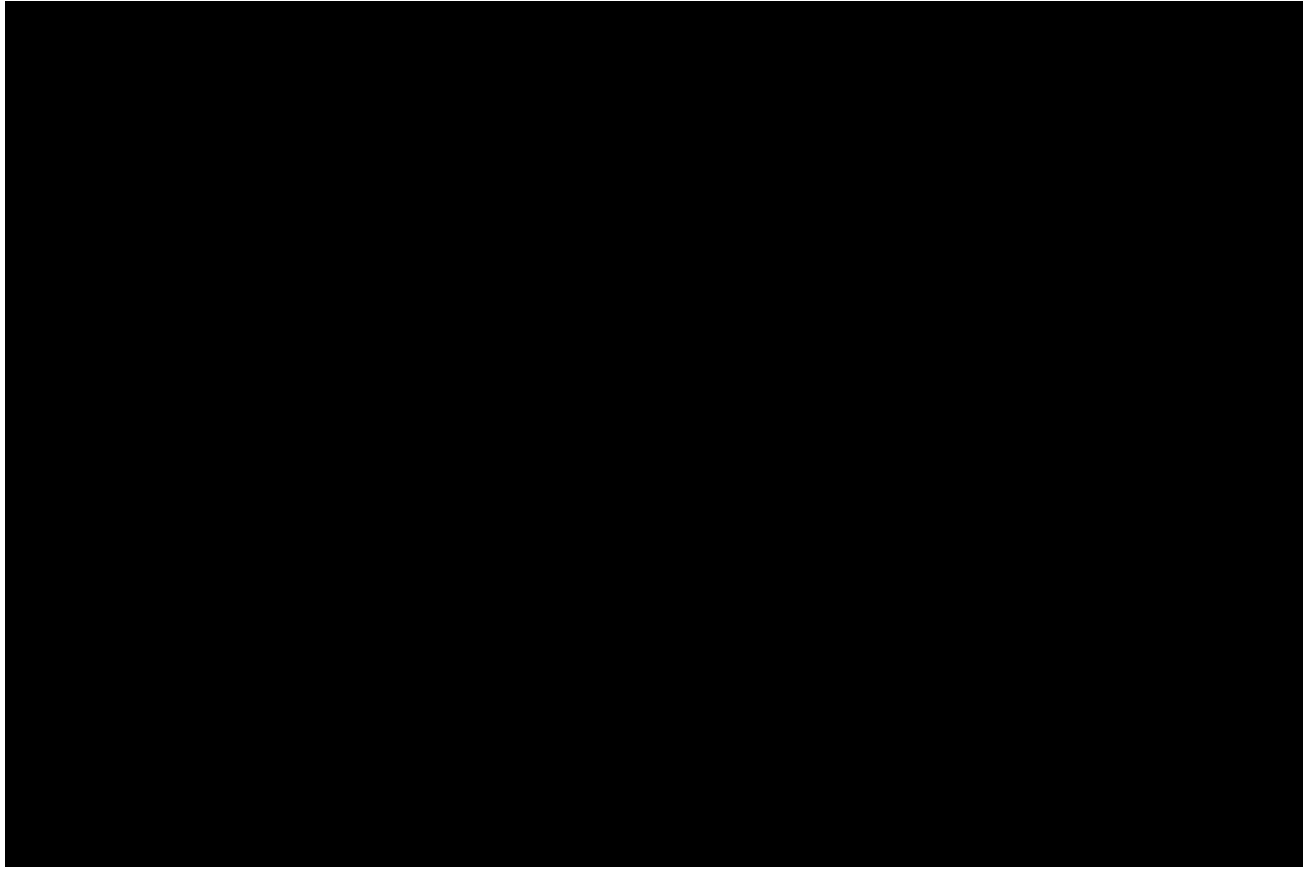






5. RESPONSIBILITIES.

- a. The Department has agreed to provide DHS/ICE with coordination and ground-interception assistance in situations involving suspected airborne drug smugglers. Division Chiefs and Area commanders shall develop appropriate procedures within their respective jurisdictions to fulfill the Department's obligation.
- b. Area commanders shall discuss this chapter with local law enforcement agencies.
- c. All incidents involving DHS/ICE requests for CHP assistance under the provisions of this chapter shall be reported in accordance with General Order 100.80, Notification and Report of Emergencies and Unusual Occurrences.



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