

Inver Grove Heights Police  
Policy Manual

Subject:

Authority in Immigration  
Matters



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**I. PURPOSE:**

This policy clarifies the communication and enforcement relationship between Inver Grove Heights police officers and the United States Department of Homeland Security/Immigration and Customs Enforcement ("homeland security" & "ICE") and other federal agencies with respect to the enforcement of immigration laws. While this department works cooperatively with homeland security, as it does with all local, state, and federal agencies, the focus of City's police department is the safety, security, and welfare of those who live, work or visit this community.

As such, this police department does not have the enforcement of federal immigration laws as a core function. Immigration and Customs Enforcement (ICE) has as its central function the legal authority to enforce immigration laws in the United States, in Minnesota and within the City of Inver Grove Heights. It is the policy of this police department to respect the role of Homeland Security/ICE, and the clear limitations on our lawful authority by avoiding pro-active enforcement of immigration laws.

**II. POLICY:**

It is the policy of the Inver Grove Heights Police Department that all residents are equally entitled to protection and that all residents or visitors to the City should be able to access police services to which they are entitled, without regard to their immigration status under federal law.

**III. POLICE SERVICE DELIVERY:**

- A. To the extent permitted by law, in providing police services, Inver Grove Heights Police Department employees shall be governed by the following requirements:
  - 1. Police officers may not undertake any law enforcement action for the sole purpose of detecting the presence of undocumented persons or to verify immigration status, including but not limited to questioning any person or persons about their immigration status.
  - 2. Police personnel may not question, arrest or detain any person for violations of federal civil immigration laws except when immigration status is an element of the crime or when investigating 8 U.S.C. 1324(c).

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3. Nothing in this policy shall prohibit department personnel from assisting federal law enforcement officers in the investigation of criminal activity involving individuals present in the United States who may also be in violation of federal civil immigration laws.
  4. Nothing in this policy prohibits police personnel from adequately identifying criminal suspects or assessing the risk of flight of criminal suspects.
  5. Nothing in this policy prohibits police personnel for notifying Homeland Security/ICE of the arrest and detention of an undocumented foreign national if the crime for which the person was arrested and detained is a felony.
  6. Nothing in this policy supersedes U.S. Department of State requirements for consular notification in cases of custodial arrest of a non-U.S. citizen. Employees should be familiar with federal requirements addressing the arrest or detention of foreign nationals. A full list of countries requiring consular notification is available at <http://travel.state.gov/CNA>.
  7. Where presentation of a state driver's license is customarily accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matriculate consular (consulate-issued document), or of a photo identity document issued by any Minnesota county, shall not subject the person to an inquiry into the person's immigration status.
- B. Any use of Inver Grove Heights Police Department personnel to assist the Department of Homeland Security in an immigration-focused investigation or operation shall be documented in a police report, which will include the applicable Homeland security mission and operational guidelines, the reason for the dispatch of personnel, the name of the Homeland Security/ICE agent in charge, and the name of the Inver Grove Heights Police Department supervisor authorizing the use of the City's police personnel. As soon as practicable, the authorizing supervisor shall notify command staff, specifically including the police chief, of the investigation/operation.
- C. Police administrators and training personnel shall include information regarding this policy and the associated expectations, in the orientation of new police employees and periodically thereafter as part of on-going in-service training.
- D. Nothing in this policy shall limit the City's prosecutor's ability to:
1. Inform persons of the possible immigration consequences of a guilty plea.
  2. Question and conduct cross-examination of a witness or defendant regarding immigration status.
  3. Inquire about immigration status for purposes of bail or conditional release.
  4. Investigate and inquire about immigration status when relevant to the potential or actual prosecution of the case or when immigration status is an element of the crime.

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5. Take immigration status and collateral effects of possible deportation into consideration during discussions held for the purpose of case resolution.

**IV. COMPLAINT AND DISCIPLINE:**

- A. A police department employee who violates this policy may be subject to disciplinary action, such as oral reprimands, written reprimands, suspension without pay, and discharge, under the appropriate union contract or department work rules.
- B. Complaints of a violation by an employee of the city police department shall be received by any ranking member of the department and investigated by a duly qualified internal or external investigator as assigned by the chief of police. The results of any such investigation shall be provided to the complainant in writing within ninety (90) days of receipt of the complaint. Complainants and witnesses shall not be asked to provide their immigration status at any point during the complaint process, and no investigation of the immigration status of the complainant and witnesses shall be made by any city personnel in the investigation of such a complaint or thereafter.
- C. It shall not be a violation of this policy to require the completion of I-9 forms.