



# Lansing Police Department Manual

## 600.68 — IMMIGRATION

*Operational Procedure*

*Effective Date: 01/2020*

*Rescinds: New*

### PURPOSE

To effectively perform as a law enforcement agency we must garner and maintain the trust and respect of the communities we serve. Therefore, an individual's immigration status is immaterial with respect to LPD's mission statement and core values. The following policy encourages all members of the community, including undocumented persons, to collaborate with the LPD to prevent and solve crime.

### PROCEDURE

The enforcement of immigration law is the responsibility of the Federal Government. Immigration and Customs Enforcement (ICE) is the principal investigative arm of the United States Department of Homeland Security (DHS). LPD is not tasked with the responsibility to enforce civil immigration laws.

### DEFINITIONS

- **ICE:** The United States Immigration and Customs Enforcement is the federal law enforcement agency under the Department of Homeland Security (DHS) responsible for enforcement of federal laws related to immigration, border control, customs and trade.
- **Administrative Warrant:** Refers to administrative removal warrants used by ICE Agents to arrest non-citizens who have committed immigration violations. An administrative warrant is a civil violation and not a criminal warrant signed by a judge. An administrative warrant will not be used by LPD as the sole basis to detain or arrest a person. Characteristics of an administrative removal warrant:
  - States a person is being designated for possible arrest and deportation
  - Signed by an ICE Agent
  - Not signed by a Judge
- **Judicial Warrant:** Refers to a warrant based on probable cause and issued by an Article III Federal Judge or a Federal Magistrate judge that authorizes federal immigration authorities to take a person into custody. A judicial warrant is different than a civil immigration warrant, administrative warrant, or other document signed only by ICE or Customs and Border Patrol (CBP) officials. Characteristics of a judicial warrant:
  - Signed by a Judge
  - Has specific court information
  - Official court document
- **Immigration Detainer:** An official request issued by ICE or other federal agencies charged with the enforcement of civil immigration laws, to another federal, state or local law enforcement agencies to detain an individual based on a violation of Civil Immigration Law.

43 **CONTACT WITH ICE**

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- 45 • LPD personnel are required to contact a Command Officer regarding any direct or indirect
- 46 involvement with ICE about a suspected immigration issue or immigration detainer. The Duty
- 47 Captain will be contacted before a final decision is made regarding ICE matters.
- 48 • Lack of a government-issued identification or limited English is not a pretext to contact ICE.
- 49 • Acceptable photograph identification includes, but is not limited to; current or previous state issued
- 50 driver's license/identification cards, foreign passports or Consular identification cards.
- 51 • Nothing in this policy is intended to, or should be construed to limit communication with Federal
- 52 immigration authorities about an individual's citizenship or immigration status or as prohibited by 8
- 53 USC 1373.

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55 **CONTACT WITH UNDOCUMENTED PERSONS**

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- 57 • LPD will not ask about, nor record in a report, any person's citizenship or immigration status, who
- 58 have contact with the police including but not limited to, crime victims, suspects or witnesses,
- 59 unless required by federal or state law or a court decision. All LPD employees will be required to
- 60 contact a Command Officer before inquiring about a person's immigration status.
- 61 • LPD will not stop persons for the sole purpose of determining immigration status.
- 62 • Officers will not arrest a person when the only violation is a federal immigration violation, unless a
- 63 judicial warrant exists and LPD is made aware of any such warrant.
- 64 • LPD will not assist any law enforcement agency to stop, pursue, arrest, interrogate, investigate, or
- 65 otherwise detain a person based solely on their immigration status or a suspected violation of
- 66 immigration law, unless a judicial warrant exists and LPD is made aware of any such warrant.

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68 **DETENTION OF SUSPECTED IMMIGRATION VIOLATORS**

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- 70 • LPD will not continue to detain an individual beyond their initial detention release time pursuant to
- 71 an immigration detainer request without a valid judicial warrant signed by an Article III Federal
- 72 Judge or Magistrate.
- 73 • LPD will not detain or arrest a person solely for an administrative warrant/immigration detainer to
- 74 include those entered in LEIN or the Nation Crime Information Center (NCIC).

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76 **DETENTION RESPONSIBILITIES**

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- 78 • Individuals in custody will be subject to the same booking, processing, release, transfer, and
- 79 practices of LPD regardless of actual or suspected citizenship or immigration status.
- 80 • Detention will notify the Duty Captain regarding final disposition of persons with any immigration
- 81 warrants.

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83 **IMMIGRATION AGREEMENTS**

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85 8 U.S.C. 1357 Section 287(g) establishes voluntary agency agreements with municipalities and DHS to

86 perform the functions of Federal Immigration Agents. LPD will refrain from entering into any such

87 agreements.