

PARKER POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL

4.27	EFFECTIVE: June 1, 2017	David King, Chief of Police
	REVISED: May 15, 2018	
SUBJECT: IMMIGRATION STATUS		
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4.27.1 PURPOSE

The purpose of this policy is to establish guidelines for providing police services to all persons within the Town of Parker regardless of their immigration status.

4.27.2 POLICY

Occasionally, persons who are not citizens of the United States become involved in criminal or traffic law violations. This policy is designed to address these situations.

This policy is also intended to encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by Department Members will not lead to an immigration inquiry.

The enforcement of civil federal immigration laws falls exclusively with the authority of the United States Immigrations and Customs Enforcement agency (ICE).

Nothing in this policy is intended to violate 8 U.S.C. § 1373 and 8 U.S.C. § 1644.

4.27.3 PROCEDURE

A. Immigration Enforcement

Department Members should not engage in, assist, or support immigration enforcement except as follows:

1. In response to an articulated, or immediate direct threat to life or public safety; or
2. when such enforcement is required to safely execute a criminal warrant or court order issued by a federal, state, county or local judge.

B. Immigration Detainers, Administrative Warrants and Judicial Warrants

When a Department Member is confronted with a person who returns through a state or federal criminal justice records search as having an active immigration detainer or administrative warrant, the following should be followed.

1. The Department Member should complete the interaction with this person without taking any action or consideration on the immigration detainer or administrative warrant.
2. Department Members should not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative warrant issued by ICE or any other federal agency, without a judicial warrant.

3. If a commissioned officer believes a person taken into custody is also an undocumented alien, after he or she is formally booked; the commissioned officer should inform ICE so that ICE may consider placing an "immigration hold" on the individual. Commissioned officers should provide ICE with the individual's identification information and the nature of the charges.
4. If the person is not arrested for a criminal offense or judicial warrant, the Department Member should direct the Communications Section to send a return to the immigration detainer or administrative warrant, advising ICE of the contact. This should be completed after the contact and should not be reason to prolong any detainment of the person.

C. Access to Local Government Facilities

1. Department Members should cooperate with criminal justice partners at the local, state and federal levels.
2. Department Members should grant appropriate access to the Parker Police Department, upon approval by a supervisor, to members of local, state and federal criminal justice agencies.
3. All criminal justice agency members given access to the secure area of the Police Department should display their agency-issued identification in plain view during their business at the facility.
4. Department Members should advise any arrestee prior to an immigration enforcement member speaking with the arrestee, to ensure delineation between the criminal and immigration investigation is established.

D. Investigations and Inquiries

1. Department Members should not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, an apprehension, arrest, or any other field contact.
2. Department Members should not make inquiries into an individual's immigration or citizenship status, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law.
3. Department Members should not interrogate, arrest, detain or take other law enforcement action against an individual based upon that individual's perceived race, national origin, religion, language, or immigration status, unless such personal characteristics have been included in timely, relevant, credible information from a reliable source, linking a specific individual to a particular criminal activity.

E. Surveillance

1. Department Members should not engage in any surveillance that is based, to any extent or degree, upon a person or group's actual or perceived immigration status, except where doing so is based on a reliable, specific description of a criminal suspect.