

POLICY 790

Enforcing Federal Immigration Laws

Cancels: NEW

See Also: Immigration and Nationality Act, Section 103 (8 U.S.C. Section 1103)

Approved by:
Chief Clifford R. Cook

This policy provides guidelines for contact with and detention of individuals who may have immigrated illegally into the United States and for VPD assistance with enforcement of federal immigration laws.

POLICY

The Immigration and Nationality Act provides that the enforcement of the nation's immigration laws is the primary responsibility of the U.S. Bureau of Immigrations and Customs Enforcement (ICE). State and local law enforcement agencies do not have the authority to enforce civil immigration violations. Therefore, VPD shall not undertake immigration-related investigations and shall not routinely inquire into the immigration status of persons encountered during police operations.

- A. Officers are committed to providing service and enforcing laws in a fair and equitable manner. Officers do not use race, ethnicity, national origin or immigration status as the sole basis for probable cause or reasonable suspicion or as a motivating factor in making law enforcement decisions.**
- B. Officers shall not contact, detain or arrest an individual solely because he/she is suspected of violating immigration laws.**
- C. Requesting adequate identification as part of a criminal investigation is necessary and appropriate. However, officers shall not:**
1. Request specific documents relating to someone's civil immigration status such as a passport, alien registration card or "green card." Officers may use immigration documents if the documents are offered by the person upon a general non-specific request such as "May I see some identification?"
 2. Initiate any inquiry or enforcement action based solely on a person's:
 - Civil immigration status, or
 - Race, or
 - Inability to speak English, or
 - Inability to understand the officer.
 3. Use stops for minor offenses or requests for voluntary information as an excuse for discovering a person's immigration status.
- D. Officers who come into contact with a person who is suspected of being in this country unlawfully as the result of a criminal investigation shall follow the same procedures and afford the person the same rights and privileges as any other criminal suspect.**
- E. Officers will cooperate with federal immigration officials when requested.**