

EAST RANGE POLICE DEPARTMENT

Immigration Violations

POLICY
218

REV 03/10/2025

I. PURPOSE AND SCOPE

The purpose of this policy is to provide direction to members of the East Range Police Department when investigating crimes where a suspect is in violation of federal immigration laws.

II. POLICY

It is the policy of the East Range Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of national origin or immigration status.

The East Range Police Department does not investigate federal immigration violations. The East Range Police Department defers immigration enforcement responsibilities to federal immigration officers authorized to enforce both civil and criminal immigration violations.

III. ACCEPTABLE IDENTIFICATION DOCUMENTATION

In the course of attempting to ascertain the identity of an individual pursuant to a legitimate law enforcement purpose, East Range Police shall not, except as set forth in paragraph V, request any documentation of citizenship or immigration status if the individual has other reliable means of identification. Unless applicable state law or non-immigration-related federal law require an individual to carry a specific form of identification, reliable means of identification include, but are not limited to, a driver's license, a state identification, a tribal identification, or a United States or foreign passport. Further, successful identification through any law enforcement database by means of a name, date of birth, or other information provided by the individual shall be considered reliable. East Range Police shall not require more than one reliable means of identification unless the circumstances indicate that the individual has provided false documentation or information.

Nothing in this policy shall be construed to prohibit East Range Police from utilizing discretion to determine whether an individual without reliable means of identification has been properly identified. Additionally, if an individual does not have a reliable means of identification and the circumstances indicate that investigation and identification of the individual can be continued without further detention, East Range Police may immediately release the individual.

IV. VICTIMS AND WITNESSES

The East Range Police Department is a victim centered organization. We encourage crime reporting and cooperation in the investigation of all criminal activity. Individuals, regardless of their immigration status, must feel secure in contacting members of law enforcement. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Minnesota Constitutions, and shall not inquire into immigration status except as set forth in section V, below. If language barriers exist, contact the communication center for interpreter services. If a victim or witness requests assistance with immigration status, see section VII. For acceptable proof of identification, see section III.

V. ENFORCEMENT

East Range Police shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of federal immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

East Range Police are not authorized to arrest, detain, or continue the detention of any individual, for any length of time, based on a violation of federal immigration law, or pursuant to an immigration detainer, hold request, administrative warrant, or any other administrative document issued by Immigration and Customs Enforcement or U.S. Customs and Border Protection.

VI. IMMIGRATION STATUS

If an officer is verifying a suspect's immigration status for a legitimate law enforcement purpose that is unrelated to the enforcement of federal immigration law, immigration status may be determined through the following sources, in the following order:

- a. Documentation produced by the individual under investigation
- b. U.S. Customs and Border Protection (CBP)
- c. Immigration and Customs Enforcement (ICE) (1-866-DHS-2-ICE)

VII. INFORMATION SHARING

Under 8 U.S.C. § 1373 and 8 U.S.C. § 1644, federal law prohibits City officials from imposing limits on maintaining, exchanging, sending, or receiving information regarding citizenship and immigration status with any Federal, State, or local government entity. Nothing in these policies is intended to violate 8 U.S.C. § 1373 or 8 U.S.C. § 1644.

VIII. U VISA AND T VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Chief of Police.

The Chief of Police should:

- a. Consult with the assigned officer to determine the current status of any related case and whether further documentation is warranted.
- b. Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- c. Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- d. Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

IX. FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to the Chief of Police. The Department may provide available support services, such as traffic control or peacekeeping efforts.

X. REFERENCES AND REVISIONS

a. REFERENCES

- i. Duluth Police Department Policy 412

b. REVISIONS

- i. 03/10/2025 – Initial Policy – ERPSB Approval Date