

## Immigration Violations

### 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Evans Police Department for investigating and enforcing immigration laws.

### 414.2 POLICY

It is the policy of the Evans Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Department Members will render law enforcement services to all individuals regardless of their citizenship status. Criminal violations of immigration law such as illegal entry into the United States are appropriately dealt with at or near the point of entry, or by a federal warrant. Other deportable offenses such as overstaying a work, educational, or special visa are considered civil violations and not criminal offenses.

Immigration and Customs Enforcement (ICE) has the responsibility and authority to enforce federal immigration laws. Their officers are uniquely prepared for this law enforcement responsibility due to their special training in dealing with the complexities and fine distinctions of immigration laws.

### 414.3 VICTIMS AND WITNESSES

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 members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members will treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Colorado Constitutions.

### 414.4 ENFORCEMENT

Members will not stop, detain, question, or arrest any person solely on the basis that the individual might have unlawfully entered this country or exceeded his/her authorization to remain in the United States.

414.4.1

414.4.2

414.4.3

### 414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer will not need to notify ICE when booking arrestees at the county jail. Such notifications are made by detention officers. Notification will be handled according to jail operation procedures.

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### **414.6 ICE REQUEST FOR ASSISTANCE**

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

### **414.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

#### 414.7.1

### **414.8 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)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status will be forwarded in a timely manner to the Records Unit. The Records Unit will forward all such requests to the District Attorney's Office.

### **414.9 TRAINING**

The Training Sergeant will ensure that all appropriate members receive immigration training.