

	FREDERICKSBURG POLICE DEPARTMENT DIRECTIVES	
	OPERATIONS	
317.00	APPROVED: <i>Betsy Mason, Chief of Police</i>	Initiated: 01/24/2018
	IMMIGRATION STATUS/U-VISA	Revised: 05/28/2026

317.00 – Policy Statement – Members of the Fredericksburg Police Department shall treat all individuals equally and without regard to immigration status. 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 the Fredericksburg Police Department will not lead to an immigration inquiry and/or deportation.

317.01 – Immigration Status Inquiries – Members of the Fredericksburg Police Department shall 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.

While it may often be necessary to determine the identity of a victim or witness, consistent with applicable law, members shall not question, investigate, or inquire about the immigration status of any person, including a victim or witness unless that information is an essential component in their investigation (e.g., human trafficking, involuntary servitude, etc.).

Nothing in this policy is intended to limit the ability of personnel to collect the necessary information and facts to handle an investigation completely and to conclusion, nor shall it preclude a witness or victim from being asked to give alternate contact information outside of the United States for purposes of ensuring that they can be contacted in the future for further investigation or to testify in court should they voluntarily or involuntarily leave the United States.

317.02 – Immigration Status Notifications – If the immigration status of a victim or witness is discovered during an investigation, Department personnel will not forward that information to the United States Immigration and Customs Enforcement (ICE).

The Fredericksburg Police Department will serve criminal warrants based on NCIC/VCIN checks that include immigration-related hits. Administrative warrants for immigration-related

civil violations such as deportation orders do not constitute grounds for detainment or arrest and will not be acted upon by local law enforcement.

If the NCIC/VCIN check reveals a hit for a “**Previously Deported Felon**,” the officer will confirm the hit through Communications and proceed with a normal criminal arrest resulting in a NCIC/VCIN hit, provided that the hit confirmation includes a criminal immigration detainer and an active criminal warrant signed by a federal district court magistrate or judge.

If the hit reveals an “**Outstanding Administrative Warrant of Removal**,” and no local criminal charge(s) exist, the officer shall not confirm the hit or take action on the warrant, as it pertains to a civil matter. The Department does not have authority generally to take persons into custody for civil matters, per the code of Virginia 15.2-1704.

If a state or local criminal charge exists against a person, or if there is an outstanding criminal arrest warrant for the person, and there is also an “Outstanding Administrative Warrant of Removal” ICE hit, the officer shall proceed with the criminal arrest charges, contact U.S. Immigration and Customs Enforcement, and advise them of the local charges.

317.03 – Immigration Complaints – Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE).

317.04 – Request for Assistance – If a specific request is made by ICE, or any other federal agency, for immigration enforcement; this Department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation. Communications officers will treat a request from ICE as a request for assistance from another law enforcement agency. They will ask several questions to understand the type of assistance being requested. They will ask if there is a criminal warrant in hand. They will also verify if there is an active assault on law enforcement or another person. These answers will be relayed to the Watch Commander. The Watch Commander will be the approving authority for such request.

Members of this Department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis, consistent with this policy, or for officer safety. Any detention by a member of this Department should be based upon the reasonable suspicion that an individual is involved in criminal activity. This will be documented in an IBR report.

317.05 – U-Visa/T-Visa – Under certain circumstances federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes. Any request to verify records for assistance in applying for U-Visa/T-Visa status should be forwarded immediately to the Detective Division Commander. The Detective Division Commander will respond within 15 business days of the request with the completed and signed documents requested.