



TIVERTON POLICE DEPARTMENT

GENERAL ORDERS

Subject: Immigration Enforcement		General Order Number: 300.04
Section: 300- Law Enforcement Operations		Subsection: 00 - General
Amends/Supersedes: 300.03 (12/02/2014)		
Effective Date: 12/02/2014	Revised Date: 03/08/2023	Review Date: As Needed
Per Order Of: Patrick W. Jones, Chief of Police		
RIPAC: 2.6		
Distribution: Sworn Department Members, Communications Center Operators		

NOTE: This written directive is for the internal governance of the Tiverton Police Department, and is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

I. PURPOSE

The purpose of this policy is to provide specific guidelines for the referral and disposition of persons that are suspects in a crime or charged with a criminal offense and who are suspected of being illegal aliens, to the appropriate federal law enforcement agency according to applicable state and federal laws.

II. POLICY

It is the policy of the Tiverton Police Department to aid federal, state, and local law enforcement agencies in enforcing applicable laws and codes according to each agency's mission. Specifically, for issues relating to a person's immigration status and related offenses, the Tiverton Police Department will coordinate services with officials from the U.S. Immigration and Customs Enforcement (ICE) Agency.

III. DEFINITIONS

United States Citizen: by definition would include:

- Any person born in the United States or its possessions (Puerto Rico, U.S. Virgin Islands, and Guam).
- Any person born outside the United States who has been granted U.S. Citizenship through the judicial process.
- Any person born outside the United States who has derived U.S. Citizenship through their parents.

Alien: Any person in the United States who is not a United States citizen. There are three major classifications of aliens in the United States:

- Non-Immigrant: Persons who have been admitted to the United States for a temporary period for a specific purpose, i.e., visitors, foreign students, crewmembers, and foreign diplomats.

- Immigrant: Persons admitted to the United States for permanent residence. They may reside and work in the United States for an unlimited time. They must have their “green card” form I-551.
- Illegal Alien: Persons who violate the immigration laws, i.e., a person who illegally crosses a border of the United States without inspection and/or authorization and persons who stay beyond their authorized periods.

Alien Registration Card: This is the document registered under the Immigration and Nationality Act that must be carried by immigrants.

Detainer: A notice to another law enforcement entity or penal facility that the Immigration and Customs Enforcement (ICE) Service has an interest in the subject of such detainer for enforcement of the provisions of the Immigration and Nationality Act (INA). A detainer serves as a request for the custodial agency to notify ICE in advance of the release of the alien. It may also serve as a request to hold an alien for a brief period until ICE can arrange to assume custody of an alien.

Crime Involving Turpitude: Generally, moral turpitude has been described as anything done to the contrary to justice, honesty, principle, or good morals. Moral turpitude involves crimes against persons and crimes against property, i.e. Murder, Voluntary Manslaughter, Sexual Assault, Indecent Assault, Assault with a Dangerous Weapon, Aggravated Battery, Arson, Shoplifting, Larceny, Forgery, Fraud, etc.

Deportable Offenses: Offenses that ICE can initiate deportation proceedings to include but not limited to: narcotics violations, weapons violations, aggravated felonies, crimes involving moral turpitude, and administrative violations (violations of the INA such as entering the U.S. without being inspected, staying beyond the authorized period, working without authorization, etc.).

Law Enforcement Service Center (LESC): A national, single point of contact, law enforcement center that provides timely immigration status and identity information to law enforcement agencies. The LESC provides real-time 365 days a year, 24 hours a day, 7 days per week assistance with information gathered from Department of Homeland Security (DHS) immigration and other databases, the National Crime Information Center (NCIC), the Interstate Identification Index (III) and state criminal history indices.

IV. PROCEDURES

1. Notification to ICE of Suspected Illegal Aliens Involved in Criminal Activity
 - a. When an officer through the course of their duties comes into contact with any person who is a suspect in a crime or who has been charged with a criminal offense and who the officer has reason to believe may be an illegal alien, the officer will contact ICE by:
 - i. Requesting Communications Center personnel to submit an ICE Alien Query (IAQ) through the NLETS Computer System to the ICE Law Enforcement Support Center (LESC) located in Williston VT (ORI: VTINS0700).
 - ii. Communications Center personnel will log all IAQ requests in the CAD system.
 - b. The ICE LESC will check their databases and respond via an Immigration Alien Response (IAR) through NLETS back to the requesting Communication Center

personnel/terminal. This reply should be noted on the dispatch log, printed, and turned over to the requesting officer for documentation and reporting purposes.

- i. The response time might be 20 minutes or more. The Communications Center will receive a computer-generated (non-automated) IAR message acknowledging receipt.
 - ii. The first part of each response will include the actual inquiry that was sent by the Tiverton Police Department.
 - iii. The remaining information will be sent in segments; the final segment will have the message “END” at the end of the message. This will denote no other info on the inquiry is forthcoming.
 - iv. Officers will review the final IAR and ensure that any requests from ICE i.e., release, hold on a detainer, etc. are forwarded to the OIC for final disposition of a suspect or defendant.
 1. In those instances, where ICE faxes a copy of a Form G-56 requesting a follow-up appointment for a person in custody with that agency, the arresting officer will forward the form to a defendant. The G-56 will not be used for traffic stops or other non-custodial contacts.
 2. Any officer who requests an IAQ through the Communications Center will ensure that they notify the Patrol Shift Officer in Charge (OIC) and the Detective Division Commander that the query was conducted to ensure those results are reviewed before the release of any suspect and/or defendant. The officer will also document the nature of the facts leading them to make the request, the outcome of the query, and any follow-up actions that are a result of the query, i.e., hold for ICE, etc. in their case report narrative.
2. Victims/Witnesses Suspected of being Illegal Aliens
- a. When an officer has reason to believe that a witness or victim of a crime, especially relating to domestic violence, is suspected of being an illegal alien the officer will ensure normal investigative procedures are followed. A person’s residency status shall not be the reason to not pursue a complaint or complete an investigation. In those instances, when a victim’s and/or witness’ citizenship is in question, the investigating officer shall only contact ICE Officials for feasibility in possibly securing potential temporary non-immigrant status according to applicable federal laws and statutory provisions.
3. Offline or Telephone Queries/Notifications to ICE
- a. When an officer needs assistance with a criminal investigation or arrest involving any immigration issues, i.e., U.S. Citizenship, alien status, deportable offenses, crimes investigated by ICE, etc., he/she may contact local ICE Agents. This may be accomplished by contacting the following:
 - i. Business Hours: Inquiries can be called into the Boston Field Office during normal business hours at (781) 359-7500.
 - ii. Duty Phone: For matters that require immediate attention, the RAC Providence Duty Agent can be reached by calling 1-800-X-SECTOR (800) 973-2867
 1. NOTE: The most effective way to obtain immigration status information after hours is to contact the ICE LESC in Williston, VT utilizing NLETS.

4. Investigations/Charges Involving Legal/Illegal Aliens or any Foreign National
 - a. Any Foreign National involved in a criminal investigation who is arrested or detained must be provided all consular notification and access requirements under International treaties (Refer to General Order #300.03 Consular Notification).
 - i. The United States State Department should be contacted with any questions or concerns regarding consular notification requirements. The US State Department Publication [*Consular Notification and Access \(Fifth Edition, 2018\)*](#) can also be consulted for relevant information and guidance (this document can be found in PowerDMS>Documents>Foreign Nationals).