

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

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TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: <b>Manual Revision – 9-401 Police Authority in Immigration Matters</b>			APPROVED BY: <i>Chief O'Hara</i>

MP-8806

**Introduction:** This policy was updated to reflect legal guidance and community and member concerns.

Effective with the issuance of this Special Order, Section 9-401 of the MPD Policy and Procedure Manual shall be amended as follows:

**9-401 Police Authority in Immigration Matters**

(05/29/02) (04/02/18) (01/16/25) (02/26/25) (12/04/25) (12/18/25)

**I. Purpose**

The Minneapolis Police Department (MPD) is committed to fostering trust and collaboration with all people in the city, regardless of race, religion, sexual orientation, national origin, ethnicity, or immigration status. Minneapolis is home to a diverse and vibrant community, and the Department values and celebrates this diversity as a source of strength.

- A.** MPD recognizes the fear of deportation prevents some undocumented community members from reporting, interacting, and cooperating with law enforcement. MPD is dedicated to community policing as a means of reducing crime while building community trust. Therefore, MPD will investigate criminal activity without regard to a person's actual or perceived immigration status. Doing otherwise would have a chilling effect on our ability to provide public safety to our community.
- B.** MPD ensures that immigration status will never impede access to law enforcement services and is dedicated to providing equitable, bias-free service to all members of the community. Protecting the safety and civil rights of every community member remains the core mission of MPD.
- C.** Members might be dispatched to calls for service in incidents that could ultimately involve federal immigration enforcement. Such incidents may include, but are not limited to, reports of possible kidnappings, suspicious person calls, people refusing to provide identification, or situations involving tension between law enforcement and the community. In these situations, members are expected to act in a fair, transparent, and impartial manner to uphold public safety and maintain community trust.

- D. The City of Minneapolis and the MPD work cooperatively with state and federal agencies to further public safety and criminal investigations, but do not operate programs for the purpose of enforcing federal immigration laws. The enforcement of civil and criminal federal immigration laws falls exclusively within the authority of the federal government and not MPD. ~~United States Code, 8 U.S.C. §1101, empowers f~~Federal agencies such as the U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), and the Department of Homeland Security, are empowered as the sole authorities in immigration matters. MPD does not have jurisdiction or authority over matters pertaining to the federal government. The federal government has no obligation to, and often does not inform MPD of their activities in the city.

This policy applies the requirements of the Separation Ordinance (Minneapolis Ordinance Chapter 19).

## II. Policy

### A. Prohibition On Enforcing Federal Immigration Laws

The City's Separation Ordinance prohibits public safety personnel from undertaking any law enforcement action for the purpose of enforcing any federal civil immigration law and any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States, when not accompanied by other criminal conduct. These laws are referred to as "federal immigration laws" in this policy. Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of "federal immigration laws" are referred to as "immigration enforcement."

### A.B. No Actions to Determine Immigration Status

Members shall not initiate actions to determine, verify, or detect a person's immigration status, subject to narrow exceptions (see Exceptions for Determining Immigration Status in [II-~~CB~~]). This includes, but is not limited to:

- Questioning a person about their immigration status.
- Stopping or detaining a person solely for the purpose of determining their immigration status.

### B.C. Exceptions for Determining Immigration Status

#### 1. Human trafficking or smuggling

Members may only initiate inquiries related to immigration status when specifically enforcing laws in which immigration status is an element of the crime, such as human trafficking or smuggling.

- a. When questioning, arresting, or detaining any person under this exception, the member shall articulate and document the reason the member believes the exception applies.

2. Criminal investigations of people who may also be in violation of federal immigration laws involving civil violations

This policy does not prohibit members from assisting federal law enforcement in the investigation of criminal activity involving people who may also be in violation of federal ~~civil~~ immigration laws.

Example: A person wanted for robbery who also has a ~~civil~~ federal immigration warrant for overstaying a visa. In that example, members would arrest the person for the robbery, but not for the ~~civil~~ federal immigration warrant.

- a. If a member determines they no longer have probable cause (PC) or reasonable articulable suspicion (RAS) to detain the person for criminal activity, the member shall release the person.
- b. Accordingly, members shall not detain people for potential criminal activity for the benefit of federal agents investigating ~~civil~~ federal immigration law.

#### ~~C.D.~~ No Documentation of Immigration Status Report Writing

If immigration status is uncovered inadvertently and is not an element of a crime such as related to human trafficking or smuggling, or ~~to~~ a situation where the victim was targeted, threatened, or harassed because of their perceived immigration status, ~~members shall not mention the person's immigration status in reports or similar documentation. If related to situation where the victim is being targeted, threatened, or harassed, members~~ are not required to include the person's immigration status in reports or similar documentation, and should ask the victim if they are comfortable with their status being included in the narrative of the report.

#### E. Direction From MPD Only

MPD members shall only operate under the direction of MPD leadership. Absolutely no orders, guidance, or tasks from any outside agency or person shall be followed by Department personnel unless explicitly validated and authorized through the MPD chain of command.

### III. Procedures/Regulations

#### A. Separation from Immigration Enforcement Activities

1. MPD members, including those who are involved with federal task forces, shall not participate in immigration enforcement.
2. Members shall not provide information to immigration enforcement agents for the purpose of locating a person solely for ~~civil~~ federal immigration enforcement actions, including information that an arrest has occurred and personally identifying information such as addresses, locations of employment, or schools being attended. If members receive a request for information related to immigration status or citizenship from federal

authorities, they shall immediately forward the request to the City Attorney's Office at CAOimmigration@minneapolismn.gov for lawful handling and response.

3. Members shall not ~~assist in the removal~~ or ~~transportation of~~ people in immigration enforcement proceedings.
4. Members shall not self-deploy to any immigration enforcement-related events.
5. Members shall not participate in detaining people based solely on immigration status or assist in any ~~civil~~ federal immigration enforcement actions.
  - a. If members encounter immigration agents during the course of their duties, they must remain focused strictly on the criminal, non-immigration aspects of the incident and avoid involvement in immigration-related activities. ~~Members shall activate their body worn cameras (BWCs) when required by P&P 4-223.~~
    - i. Members shall activate their body worn cameras (BWCs) when required by P&P 4-223.
    - ii. Members shall notify the Watch Commander or designated supervisor (III-B-21) as soon as possible that immigration agents are on-scene. The Watch Commander or designated supervisor will then notify the Chief of Police.
    - iii. When members have resolved the reason they were at the incident, they shall clear from the scene as soon as possible.
  - b. ~~However, if~~ a situation arises where federal agents, including immigration officers, are being assaulted, or if there is a clear and immediate threat to life, serious injury, or destruction of property, members are expected to take appropriate action to maintain public safety and restore order. This response is not an endorsement of immigration enforcement, but a duty to uphold peace and protect all people from harm.
6. Members shall not interfere with or obstruct lawful federal immigration enforcement.
  - a. If members encounter people taking immigration enforcement action who are not readily identifiable as federal agents, members should, when safe and practical to do so, attempt to verify the credentials of the on-scene federal lead-agent, supervisor, or agent in charge, and capture the verification process on their BWC.

Examples of credentials could include a badge, an employee ID, uniform or uniform patches.

- i. Members shall take appropriate enforcement action if they determine a person is not a legitimate federal enforcement officer. Such actions may include detaining or arresting the person for impersonating a peace officer.
- ii. If the person who is not readily identifiable as a federal agent refuses to provide credentials, members shall notify their supervisor, and the supervisor shall

respond to the scene. The supervisor shall contact dispatch to request information from the likely federal agency that might assist in verifying the agents' status.

- iii. If it is an apparent impersonation of a law enforcement officer or another apparent crime, members shall take appropriate law enforcement action.

~~7.1. Members shall document and report all incidents where suspected federal enforcement activity involves apparent excessive force or other suspected civil rights violations.~~

~~a. Members shall immediately notify their supervisor, and the supervisor shall immediately notify the Bureau Chief of Internal Affairs and the Chief of Police.~~

~~a. The member who witnessed the incident shall document the conduct with an INFO report and send the case number to their supervisor.~~

~~b. Upon request, members should cooperate with misconduct investigations of federal agents.~~

8.7. To ensure proper oversight and appropriate response to incidents, supervisors shall respond to calls for service that potentially involve federal ~~civil~~ immigration enforcement, or when requested by a member.

9.8. Members shall not rely on federal agencies to provide translation services and shall secure any necessary services in accordance with P&P 7-1001 Limited English Language Proficiency.

## B. Response to Public Gatherings Related to Immigration Enforcement

Following is guidance for MPD members interacting with crowds engaging in their First Amendment rights to peacefully assemble:

### 1. General response to crowds

~~1.a.~~ MPD will treat any crowd forming in response to federal immigration enforcement and other immigration-related protests the same as any other First Amendment-protected event in accordance with P&P 7-805.

i. MPD members shall be mindful that the members of the public have a First Amendment right to record (P&P 9-202), observe, and object to law enforcement actions, within lawful constraints.

~~2.b.~~ MPD members shall not provide crowd management ~~solely at the request of immigration enforcement agencies to aid immigration enforcement~~; members shall only assist with crowd control to maintain peace and enforce state and local laws.

~~3. Members may respond when necessary due to threats of violence, actual violence, life-threatening situations, or destruction of property, in order to protect the community (and in accordance with P&P 7-805).~~

c. If members arrive on scene due to a crowd situation and determine that immigration agents are involved, members shall notify the Watch Commander or designated supervisor (III-B-2) immediately.

a.i. If ~~members respond and find that~~ there are no threats of violence, actual violence, life-threatening situations, or destruction of property, the members shall disengage immediately, clear from the scene, and return to service.

4.d. If there is no clear and immediate threat to life, serious injury, or destruction of property, members shall **not** do the following ~~for~~ to aid immigration enforcement activities:

- Escort federal immigration agents to enforcement locations.
- Close streets when there are no traffic or public safety issues.
- Use or allow use of Department facilities (including parking lots and garages) or equipment.
- Conduct crowd control when members of the public are peacefully assembling and exercising First Amendment rights, when no threat to public safety exists.

## 2. Watch Commander and designated supervisor

a. To coordinate immigration responses for the day, the Watch Commander will be the sole point of contact for guidance on responding to federal immigration enforcement.

b. When the Watch Commander is not on duty, the Deputy Chief of Patrol will designate a supervisor at the rank of Lieutenant or higher, or the highest-ranking supervisor on duty, to be the sole point of contact. The Deputy Chief of Patrol will notify dispatch with the designated supervisor's information, so that members can contact dispatch to determine who the designated supervisor is.

## 3. HELP calls related to immigration enforcement

a. If there is a call for help from a federal agency, the Watch Commander or designated supervisor shall be immediately notified. Members may respond to the call if the Watch Commander or designated supervisor has approved a response due to threats of violence, actual violence, life-threatening situations, or destruction of property.

b. As quickly as possible, the Watch Commander or designated supervisor shall do the following:

- i. Attempt a callback with the requesting agency, and then speak to the highest-ranking member of the outside agency on scene to verify the on-scene circumstances and determine a coordinated response plan if appropriate to ensure member safety. The calls shall be recorded via BWC.
- ii. View or request an MPD member to view any live milestone cameras in the area or UAV video to verify the circumstances, when feasible.

- c. If the Watch Commander or designated supervisor determines the situation does not involve threats of violence, actual violence, life-threatening situations, or destruction of property, they shall not approve members to respond, shall notify the requesting agency that MPD will not be responding, and shall then immediately notify the Chief of Police.
- d. If the Watch Commanders or designated supervisor find there are threats of violence, actual violence, life-threatening situations, or destruction of property, they may approve members to respond to the scene, and shall then immediately notify the Chief of Police.
- e. The Watch Commander or designated supervisor shall coordinate the response, assess tactical options, and determine whether MPD members should take action when they arrive on scene.

Examples of tactical options could include UAVs (P&P 4-226), uniform presence, negotiators, BRRT, traffic agents, etc.

- f. If members arrive and there are no threats of violence, actual violence, life-threatening situations, or destruction of property, the members shall immediately disengage and clear from the scene.

Example: People physically blocking streets and yelling does not qualify as a threat of violence, actual violence, life-threatening situation, or destruction of property, and members should clear from the scene.

- g. The Watch Commander or designated supervisor shall assign a responding member to complete a Police Report with the code "ICE" or any other applicable codes.
- i. All members that respond shall document their response in the Police Report.

### **C. Sensitive Locations**

1. If MPD is notified that a federal agency has entered a house of worship, hospital, or school for the purpose of conducting immigration enforcement, the Watch Commander or designated supervisor ([III-B-2]) shall be immediately notified. The Watch Commander or designated supervisor shall then notify the Chief of Police.
2. The Watch Commander or designated supervisor shall assign a supervisor from the affected precinct to respond and investigate. If no supervisor in the affected precinct is available, another supervisor will be assigned.
  - a. At a minimum, the responding supervisor shall attempt to verify the information by interviewing witnesses, viewing and retrieving video, and contacting the federal agency involved.
  - b. The supervisor shall update the Watch Commander or designated supervisor and the Chief of Police with their preliminary findings and the results of their investigation.



c. The supervisor shall complete a Police Report for the incident.

#### **C.D. Duty to Intervene for Excessive Force**

1. Members shall not interfere with or obstruct lawful federal immigration enforcement (III-A-6), however ~~When~~ it is apparent to a member that federal agents are ~~acting in an obviously unlawful manner or are taking actions the member knows are clearly beyond what is reasonable in fulfilling lawful duties~~ using clearly excessive force, members shall verbally or physically intervene to stop the excessive force when they have both a the reasonably ~~ye and~~ safe opportunity and the means to do so.

Examples could include, but are not limited to, kicking or punching a person in the head when they are compliant or passively resisting, shooting an unarmed person who is not posing a threat, etc.

2. If members witness a federal agent taking an action the member feels requires intervention, the member shall announce over the radio as soon as possible they are intervening (example: "Squad 320 intervening").
3. If a member is unclear if they are witnessing or witnessed excessive force by federal agents, they shall immediately notify the Watch Commander or designated supervisor (III-B-2) for guidance.

#### **E. Duty to Report**

1. Members shall document and report all incidents where suspected federal enforcement activity involves apparent excessive force or other suspected civil rights violations, and all incidents in which the member intervenes with federal agents.
  - a. Members shall immediately notify their supervisor, and the supervisor shall immediately notify the Bureau Chief of Internal Affairs and the Chief of Police.
    - i. Members shall inform the supervisor for awareness if they already talked to the Watch Commander or designated supervisor (as detailed above in III-B-2)).
  - b. The member who witnessed the incident shall document the conduct and any interventions with an INFOa report using the code "ICEF" and send the case number to their supervisor.
  - c. Upon request, members should cooperate with misconduct investigations of federal agents.

#### **D.F. Notification Requirements**

1. If federal immigration authorities seek MPD involvement, or members learn that immigration officials are operating within any area of the city:
  - a. The member shall notify their supervisor regarding the immigration-related activities, and the supervisor shall notify the Chief, the Watch Commander, and rest of their



chain of command. If the member is a supervisor, they may make the notifications themselves.

2. Unless the incident is an emergency involving violence, threats of violence, or a life-threatening situation, or there is destruction of property, the Chief of Police must give approval before any action is taken that isn't covered by this policy. If action is taken because of an emergency circumstance, notification to the Chief of Police should be made as soon as possible.

An example of such an action might be staging MPD resources nearby at the request of immigration officials.

- a. Any actions taken must be lawful, necessary, and fully consistent with both MPD policy and the Separation Ordinance, regardless of a person's immigration status.

### **E.G. Separation from Alerts, Detainers, and Non-Criminal Warrants**

Members are prohibited from stopping, detaining, or taking law enforcement action against a person, vehicle, business, or residence on the sole basis of ~~civil~~ administrative immigration alerts, immigration detainers, or ~~civil (non-criminal)~~ administrative ICE warrants.

1. Local police do not have the authority to take law enforcement action for federal administrative civil warrants.
2. If a person is found to have a National Crime Information Center (NCIC) hit, members shall verify the hit is not solely for an administrative ICE warrant prior to taking any action.
3. Members shall not arrest or detain a person solely based on an administrative (ICE) warrant.

Examples of the language seen in NCIC administrative ICE warrants:

#### **Deported Felon**

Warning Regarding Following Record- Subject of NIC/N307770847 is a previously deported felon. Contact LESC at (877) 999-5372 for immediate hit confirmation and availability of Bureau of Immigration and Customs Enforcement Detainer.

#### **Absconder**

Warning Regarding Follow Record – Subject of NIC/N307770847 has an outstanding administrative warrant of removal from the United States. Contact LESC at (877) 999-5372 removal from the United States. Contact LESC at (877) 999-5372 for immediate hit confirmation and availability of Bureau of Immigration and Customs Enforcement Detainer.

- a. This does not prevent members from taking law enforcement action on ~~unrelated~~ crimes, detainers, or civil (non-criminal) warrants unrelated to immigration enforcement.

4. MPD does not have a municipal jail and cannot house undocumented people, even if requested.

#### **F.H. Identification Cards of Foreign Nationals**

Identification card of foreign nations may include, but are not limited to:

- Foreign government-issued identification cards, such as passports.
  - Consular identification cards.
  - National ID cards.
1. Members shall take reports for missing, lost or stolen identification cards of foreign nationals in accordance with P&P 4-600 Specific Report Policies and Procedures.
  2. Members shall not seize identification cards of foreign nationals, except when pursuant to a criminal investigation and in accordance with MPD policy and law.

#### **G.I. Communicating With the Public about Immigration Enforcement**

Members are encouraged to explain this policy and its requirements to members of the public, in a respectful manner that does not discredit the Department or the City. This could include explaining that MPD does not collect or communicate information about immigration status. Members are encouraged to explain how to find this policy online.