

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

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| DATE ISSUED: XX XX, XX | DATE EFFECTIVE: XX XX, XX | NUMBER: SOXX-0XX | PAGE: 1 of 6 |
| TO: Distribution "A" | | | RETENTION DATE: Until Rescinded |
| SUBJECT: Manual Revision – 9-401 Police Authority in Immigration Matters | | | APPROVED BY: |

MP-8806

Introduction:

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) (XX/XX/XX)

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. ~~The~~MPD recognizes the fear of deportation prevents some undocumented community members from reporting, interacting, and cooperating with law enforcement. ~~The~~MPD is dedicated to community policing as a means of reducing crime while building community trust. Therefore, ~~the~~MPD ~~shall~~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. ~~The~~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 ~~the~~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 enforcement of civil and criminal federal immigration laws falls exclusively within the authority of the federal government and not the MPD. The United States Code, 8 U.S.C. §1101, empowers the U.S. Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE), Department of Homeland Security, as the sole authority 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. No Actions to Determine Immigration Status

Members shall not initiate actions to determine, verify or detect a person's immigration status, including but not limited to questioning any person about their immigration status, subject to the narrow exceptions stated below (see Exceptions for Determining Immigration Status in [II-B]). (City of Minneapolis Ordinance §19.30 (a)(3)). 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. Exceptions for Determining Immigration Status

1. Human trafficking and smuggling

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

- a. ~~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 also involving civil violations

Nothing in tThis policy shalldoes not prohibit members from assisting federal law enforcement officers in the investigation of criminal activity involving people present in the United States who may also be in violation of federal civil immigration laws in accordance with City of Minneapolis Ordinance §19.30 (a)(4). Example: A person wanted for robbery who also has civil violations.

H.III. Procedures/Regulations

~~A. The MPD recognizes the fear of deportation prevents some undocumented community members from reporting, interacting, and cooperating with law enforcement. The MPD is dedicated to community policing as a means of reducing crime while building community trust. Therefore, the MPD shall 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. The MPD works cooperatively with all federal agencies, but the MPD does not operate its programs for the purpose of enforcing federal immigration laws.~~

~~1. The enforcement of civil and criminal federal immigration laws falls exclusively within the authority of the federal government and not the MPD. The United States Code, 8 U.S.C. §1101, empowers the U.S. Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE), Department of Homeland Security, as the sole authority in immigration matters.~~

~~C. Members shall not initiate actions to determine, verify or detect a person's immigration status, including but not limited to questioning any person about their immigration status, subject to the narrow exception stated below. (City of Minneapolis Ordinance §19.30 (a)(3))~~

~~1. Members shall only initiate the actions above when specifically enforcing laws relating to human trafficking and smuggling where immigration status is an element of the crime.~~

~~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. Nothing in this policy shall prohibit members from assisting federal law enforcement officers in the investigation of criminal activity involving people present in the United States who may also be in violation of federal civil immigration laws in accordance with City of Minneapolis Ordinance §19.30 (a)(4).~~

A. Separation from Immigration Enforcement Activities

1. MPD members who are involved with federal task forces shall not participate in immigration enforcement.

2. Members shall not assist in the removal or transportation of people in immigration enforcement proceedings.

3. Members shall not self-deploy to any immigration enforcement-related events.

4. Members shall not participate in detaining people based solely on immigration status or assist in any civil immigration enforcement actions. 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.

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.

5. 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 body worn camera (BWC). 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.
6. Members shall document and report all incidents where suspected federal enforcement activity involves questionable conduct. The member who witnessed the incident shall document the conduct with an INFO report and send the case number to their supervisor. Members shall notify their supervisor who will notify the Commander of Internal Affairs. The Commander of Internal Affairs will notify the Chief, who will contact the federal agency.
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.
8. Members shall not interfere with or obstruct lawful federal immigration enforcement.

B. Response to Public Gatherings Related to Immigration Enforcement

1. 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.
2. MPD's role is to monitor for safety. Members shall only assist with crowd control to maintain peace and enforce state and local laws. Members shall intervene when there are 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. 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. If action is taken because of an emergency circumstance, notification to the Chief of Police should be made as soon as possible.
3. Any actions taken must be lawful, necessary, and fully consistent with both MPD policy and the Separation Ordinance.

D. Separation from Alerts, Detainers, and Non-Criminal Warrants

- ~~3.~~ 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, detainers, or non-criminal warrants.
- ~~a.1.~~ Local police do not have the authority to take law enforcement action for federal administrative civil warrants.
- ~~b.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.
- ~~c.3.~~ Members shall not arrest or detain a person solely based on an administrative (ICE) warrant. This does not prevent members from taking law enforcement action on unrelated crimes, detainers, or non-criminal warrants.

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.

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

E. Identification Cards of Foreign Nationals

- ~~D.~~ 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.

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