



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Enforcement of Immigration Laws

Eff. Date 12/16/2019

Purpose

MPD is committed to community policing. Therefore, it is imperative that all our constituents come to expect that MPD will provide access to anyone seeking our services. An individual's immigration status is immaterial with respect to MPD's mission statement, core values, and operational systems. Immigration status is only relevant when an individual has committed serious crimes directly related to public safety (as outlined below).

Procedure

The enforcement of immigration law is primarily the responsibility of the federal government, through the United States Immigration and Custom Enforcement Agency ("ICE"). Accordingly, MPD will not undertake any immigration-related investigation unless said operation involves an individual who has committed serious crimes directly related to public safety (as outlined below). Section 287(g) agreements under 8 U.S.C. § 1357 are voluntary agreements which require local consent. MPD will refrain from entering into these agreements as they are not consistent with furthering MPD's policing philosophy.

Officers shall not detain or arrest an individual solely for a suspected violation of immigration law. MPD will only cooperate with a lawful request of ICE under the following circumstances:

1. The individual is engaged in or is suspected of terrorism or espionage; or
2. The individual is reasonably suspected of participating in a criminal street gang; or
3. The individual is arrested for any violent felony; or
4. The individual is a previously deported felon.

When time and circumstances permit, an officer should obtain approval from a commander or OIC prior to detaining any individual for the above-outlined reasons. Any notification or contact with ICE for the purposes of detaining or apprehending individuals should only be made with the approval of a Commanding Officer and only after contacting the Assistant Chief of Support and Community Outreach.

An individual's right to file a police report or otherwise receive services from MPD is not contingent upon their citizenship or immigration status. MPD officers shall strive to treat all individuals equally and fairly regardless of their immigration status. Therefore, officers shall not routinely inquire into the immigration status of persons encountered during police operations.

Officers shall not ask any individual to produce a passport, Alien Registration Card (Green Card) or any other immigration documentation in the normal course of business. This does not prohibit an officer from considering these documents as appropriate forms of identification when voluntarily provided by the individual.

Original SOP: 01/30/2017
(Revised: 10/09/2017, 12/16/2019)
(Reviewed Only: 12/26/2017, 01/30/2019, 01/11/2021, 02/04/2022)