

St. Joseph, Missouri Police Department



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SUBJECT: Illegal Immigration		
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I. POLICY

The intent of this policy is to establish guidelines for all sworn/booking members to follow when dealing with state and federal immigration officers and to serve as official notification that members of this department understand their responsibility to cooperate with these agencies.

II. PROCEDURE

RSMo 67.307 (3), states that all commissioned members of this department shall cooperate with state and federal agencies and officials on matters pertaining to enforcement of state and federal laws governing immigration. This shall include any and all reports relating to the investigation or activity.

A. Victims and Witnesses

1. 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 law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may often be necessary to determine the identity of a victim or witness, employees shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Missouri Constitutions.

B. Verification of Immigration Status

1. Commissioned members will verify the immigration status of each person presented for incarceration. Verification will be accomplished through an Immigration and Customs Enforcement (ICE) computer background status check unless the person has presented a valid Federal or State government identification, or the member has personal knowledge of the person's immigration status.

2. Members will contact the Communications Center to request ICE computer background status checks. The following information is required from the requesting member to process the request are as follows:
 - a. Name;
 - b. Date of Birth;
 - c. Sex;
 - d. Place of Birth;
 - e. Offense and NCIC Offense Code; and
 - f. If possible Mother's Maiden name and Father's last name.
3. Personnel at the communications center will submit the information provided via the Illegal Alien Inquiry (IAQ) screen in the Missouri Uniform Law Enforcement System (MULES). A response from ICE normally is returned within one (1) hour.
4. While members are encouraged to continue the practice of requesting verification of immigration status through ICE when encountering persons whose immigration status is in question, no member should arrest or detain any suspected illegal/ undocumented alien unless one or more of the following circumstances are present:
 - a. A proper Missouri criminal charge or ordinance violation is applicable;
 - b. A federal warrant exists for an immigration or other federal violation;
 - c. The member has contacted ICE during the enforcement contact and ICE has authorized a detainer of that person.
5. Enforcement contacts should not be extended solely to verify the status of any person. Members currently do not have the authority to enforce federal immigration laws related to simply being in this country without proper documentation or for illegal entry. Members coming into contact with individuals where no other city/state charges are appropriate should immediately initiate contact with ICE for further instructions, to include whether or not the subject should be detained while their status is verified. In the event ICE cannot be contacted immediately, or a response cannot be received in a timely matter that does not extend the time of the enforcement contact, the individual must be released. Individuals facing city/state charges that require incarceration should be processed normally, and ICE should be notified as soon as possible.
6. Members must comply with all provisions as mandated by the U.S. Dept. of State in regards to the notification of consular of all foreign nationals arrested or detained.

C. Temporary Visas for Crime Victims and Witnesses

1. U Visa – (8 USC § 1101(a)(15)(U))

Under certain circumstances, federal law allows temporary immigration benefits known as U Visas to victims and witnesses of certain qualifying crimes. Qualifying crimes include but are not limited to:

- a. Domestic Violence;
- b. Sexual Assault;

- c. Felony Assault;
 - d. Stalking; and
 - e. Murder.
2. **T Visa – (8 USC § 1101(a)(15)(T))**
Federal law allows temporary immigration benefits known as T Visas to victims of human trafficking and related offenses.
3. **Law Enforcement Certification for U and T Visas**
Any request for assistance in applying for a U or T visa should be forwarded to the Detective Division in a timely manner. The Detective Division will work with the Prosecutors Office, when appropriate, in determining if a Law Enforcement Certification or Declaration is warranted. Any decision to complete, or not complete, a Certification or Declaration Form shall be appropriately documented.

Chris Connally, Chief of Police

Date