



**Las Cruces Police Department
GENERAL ORDERS
ADMINISTRATION VOLUME 1**

GO-166 UNDOCUMENTED FOREIGN NATIONALS (Most Critical)

Revised 08/16/2011

166 UNDOCUMENTED FOREIGN NATIONALS

PURPOSE

The purpose of this General Order is to outline procedures for the treatment of undocumented foreign nationals encountered by employees of the Las Cruces Police Department (LCPD). The enforcement of federal immigration laws and the arrest of undocumented foreign nationals reside exclusively with the federal government.

POLICY

LCPD employees are not authorized to detain or arrest any person solely on the basis of their nationality or ethnicity, unless such characteristics are part of a physical description provided by a credible witness and such description, in the context of the totality of the circumstance, warrant a detention or arrest for a non-immigration criminal act.

APPLICABILITY

This General Order applies to all employees. This General Order supersedes all previous versions.

REFERENCES

N/A

DEFINITIONS

N/A

166.01 PROCEDURES

- A. Commissioned employees shall not inquire about or seek proof of a person's immigration status unless the person is in custody or is a suspect in an investigation for a non-immigration criminal violation.
- B. If the department receives a call for service regarding possible federal immigration law violations, the caller shall be referred to U.S. Immigration and Customs Enforcement (ICE) for further follow up.
- C. Commissioned employees may call federal immigration officials to the scene of a detention or investigation when the immigration status of an individual is discovered



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through the self-disclosure of the person stopped. Employees shall document the incident in an offense/incident report.

- D. Commissioned employees may inform federal immigration officials of the whereabouts of suspected undocumented foreign nationals when the suspect is:
 - 1. Arrested for a non-immigration criminal violation.
 - 2. A previously deported felon.
 - 3. Reasonably believed to be participating in criminal street gang activity.
- E. Commissioned employees shall inform federal immigration officials whenever a case of human trafficking is suspected. The following procedures apply to cases of suspected human trafficking:
 - 1. Commissioned employees shall notify a supervisor that they are investigating a case of suspected human trafficking before contacting federal immigration officials
 - 2. Commissioned employees shall document the investigation, regardless of the findings, in an offense/incident report.
- F. Commissioned employees shall not request assistance in language translation from any federal immigration official or agency until all other reasonable efforts have been made to utilize LCPD employees.
- G. Commissioned employees may check the welfare of and provide back-up to a federal immigration official conducting official business. Employees shall not participate in questioning the person stopped unless non-immigration related crime comes to light.
- H. Commissioned employees may place an ICE hold on individuals suspected of having violated federal immigration laws if already arrested for a non-immigration related offense.
- I. Nothing in this General Order shall prevent any employee from investigating any city or state criminal violation(s) or taking any action necessary for officer and public safety.



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166.02 MEXICAN CONSULAR IDENTIFICATION CARD (MATRICULA CONSULAR DE ALTA SEGURIDAD)

Employees shall accept the Mexican Consular Identification Card (Matricula Consular de Alta Seguridad) as a valid form of identification unless the totality of the circumstances calls the validity of the card into question. The Mexican Consular Identification Card is not an indication of a person's immigration status, nor is it sufficient evidence to establish reasonable suspicion of a person's immigration status.

166.03 CHILDREN OF UNDOCUMENTED IMMIGRANTS ATTENDING PUBLIC SCHOOL

- A. Commissioned employees shall not stop, question, detain, investigate, or arrest children based solely on any immigration related matter while on public school grounds or property.
- B. Commissioned employees are prohibited from assisting others, including school personnel, other law enforcement officials, or agencies in detaining or questioning minor children based solely on any immigration related matter while on public school grounds or property.

166.04 UNDOCUMENTED IMMIGRANT(S) - CRIME VICTIM AND/OR WITNESS

Victims and witnesses of crime shall not be questioned regarding their immigration status unless such information is necessary for the proper investigation of the offense. If a victim or witness of a crime self-discloses their immigration status, employees are prohibited from contacting federal immigration officials. The only exception will be if a victim or witness of a crime meets one or more of the guidelines outlined in 166.01D and/or 166.01E.