

Appleton Police Department

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Immigration Violations

Violaciones de Inmigración

412.1 Propósito y Alcance:

El objetivo de esta política es proporcionar pautas para los miembros del Departamento de Policía de Appleton sobre cómo manejar asuntos relacionados con la inmigración y colaborar con las autoridades federales de inmigración.

412.2 Política:

Es política del Departamento de Policía de Appleton que todos los miembros se comprometan personal y profesionalmente con la aplicación imparcial de la ley y el servicio equitativo a la comunidad. Este compromiso fortalece la confianza de la población, mejora la efectividad del departamento y garantiza el respeto por la dignidad de todas las personas, sin importar su origen o estatus migratorio.

412.3 Víctimas y Testigos:

Para fomentar la denuncia de delitos y la cooperación en las investigaciones, todas las personas, independientemente de su estatus migratorio, deben sentirse seguras de que contactar o interactuar con las autoridades policiales no resultará automáticamente en preguntas sobre su estatus migratorio o deportaciones. Aunque puede ser necesario identificar a una víctima o testigo, todos deben ser tratados de manera equitativa, respetando las constituciones de los Estados Unidos y Wisconsin.

412.4 Detenciones:

Un oficial no debe detener a ninguna persona, bajo ninguna circunstancia, por una violación civil de las leyes federales de inmigración o por una orden civil relacionada.

Si un oficial tiene sospechas razonables de que una persona legalmente detenida ha cometido una violación criminal de las leyes de inmigración, puede retenerla por un período razonable de tiempo para contactar a las autoridades federales de inmigración y verificar si la violación es de carácter civil o criminal.

Si la violación es **criminal**, el oficial puede continuar con la detención por un período razonable si las autoridades federales de inmigración lo solicitan (8 USC § 1357(g)(10)).

Ninguna persona que esté lista para ser liberada debe permanecer detenida solo porque su estatus migratorio no ha sido aclarado. Si hay causa probable de que una persona ya detenida cometió un delito relacionado con inmigración, el oficial puede continuar la detención y solicitar que las autoridades federales tomen custodia de la persona.

412.4.1 Responsabilidades del Supervisor:

Cuando un oficial informa que ha detenido a una persona y tiene causa probable de que ha

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cometido un delito de inmigración, el supervisor debe evaluar si es apropiado:
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- (a) Transferir a la persona a las autoridades federales.
- (b) Arrestar legalmente a la persona por un delito o bajo una orden judicial (ver la Política de Autoridad Policial).

412.5 Notificación de Arrestos a ICE:

En general, los oficiales no deben notificar a las autoridades federales de inmigración (ICE) al procesar arrestos en una cárcel. Cualquier notificación requerida será manejada según los procedimientos del centro de detención. Ninguna persona que deba ser liberada debe permanecer detenida solo para cumplir con el proceso de notificación.

412.6 Peticiones Federales de Asistencia:

Las solicitudes de asistencia de las autoridades federales de inmigración deben ser dirigidas a un supervisor. El departamento puede proporcionar apoyo, como control de tráfico o mantenimiento del orden público, según sea necesario.

412.7 Intercambio de Información:

Ningún miembro del departamento puede prohibir o restringir a otro miembro de:

- (a) Enviar información a, o solicitarla o recibirla de las autoridades federales de inmigración.
- (b) Mantener esta información en los registros del departamento.
- (c) Intercambiar esta información con otras entidades gubernamentales federales, estatales o locales.

412.7.1 Órdenes de Detención Migratoria:

Ninguna persona debe ser detenida exclusivamente con base en una orden de detención migratoria federal bajo 8 CFR 287.7, a menos que se le haya acusado de un delito federal o la orden esté acompañada de una orden judicial, una declaración jurada de causa probable o una orden de deportación. Antes de liberar a la persona, se debe notificar a la autoridad federal que emitió la orden de detención.

412.8 Visas U y T:

Las leyes federales permiten beneficios de inmigración temporales, conocidos como visas U, para víctimas y testigos de ciertos delitos graves (8 USC § 1101(a)(15)(U)). De manera similar, las visas T están disponibles para víctimas calificadas de tráfico humano (8 USC § 1101(a)(15)(T)).

Las solicitudes para estas visas deben enviarse al Jefe de Policía, quien las asignará a un

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supervisor adecuado para su revisión. El supervisor debe:

~~(a) Consultar con el investigador asignado para determinar el estado actual del caso y si se necesita más documentación.~~

(b) Coordinarse con el fiscal asignado, si corresponde, para asegurar que no se haya completado previamente una certificación o declaración.

(c) Completar y documentar las certificaciones o declaraciones necesarias de manera oportuna.

412.9 Capacitación:

El Coordinador de Desarrollo Profesional debe garantizar que los oficiales reciban capacitación sobre esta política, incluyendo cómo identificar violaciones civiles y criminales de inmigración y cómo manejarlas adecuadamente.

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412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Appleton Police Department relating to immigration and interacting with federal immigration officials.

412.2 POLICY

It is the policy of the Appleton Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

412.3 VICTIMS AND WITNESSES

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 be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Wisconsin constitutions.

412.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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412.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

412.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

412.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

412.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

412.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

412.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

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Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Chief of Police, who will delegate to the appropriate supervisor. The supervisor or his/her designee should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

412.9 TRAINING

The Professional Development Coordinator should ensure officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.