



## Minneapolis Police Department Policy and Procedure Manual

Number:  
9-400

### Volume Nine – Enforcement Policies

### Immigration Matters

#### 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~~ providing equal enforcement of the law and equal service to the public. (1) ~~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~~ and it is the responsibility of the department as a whole, as well as individual members, to build relationships establishing legitimacy with immigrant communities. (2)

NOTE: Numbers in paragraphs refer to listings in the REFERENCE section at the end.

NOTE: The equal enforcement of law and equal services language is from Duluth PD policy. More important than fostering trust and collaboration is the provision of equal enforcement of the law and equal services. Doing that will build trust. Trust is built indirectly by taking just actions. To simply attempt to build trust directly is to manipulate. Build a reputation for acting justly and trust will follow.

NOTE: “With all people in the city” is removed as unnecessary and there may be times when MPD is interacting with someone who is not in the city, for instance when operating on a task force or in support of a suburb.

- A. MPD recognizes residents in this community may have had negative interactions with police in their native country and these past experiences may color their views of local police. (2) MPD further recognizes that the fear of deportation prevents some undocumented community members from reporting, interacting, and cooperating with law enforcement. MPD is dedicated to community policing as a means of reducing crime while building community trust. Therefore, MPD will investigate criminal activity without regard to a person’s actual or perceived immigration status, and without taking offense at the response law enforcement sometimes receives such as fear, withdrawal, refusal to cooperate, or resentment. (2) Doing otherwise would have a chilling effect on our ability to provide public safety to our community.

- B.** 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 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 recognize the human dignity of everyone regardless of immigration status, (3) to uphold public safety, to maintain community trust, and to protect the community from actions by federal immigration authorities.
- D.** The city of Minneapolis and the MPD work cooperatively with state and federal agencies but do not operate programs for the purpose of enforcing federal immigration laws. (4) The enforcement of civil and criminal federal immigration laws falls exclusively within the authority of the federal government and not 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, and other federal agencies 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.~~ NOTE: This is a true statement, but it is not a policy statement, and in theory this could change. It is unnecessary and should be removed.
- E.** MPD members will not close roads or provide escort assistance to federal agencies in order to facilitate immigration activity.
- F.** MPD members will not provide crowd management solely at the request of immigration enforcement agencies.

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, subject to narrow exceptions (see Exceptions for Determining Immigration Status in [II-B]). 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 may only initiate inquiries related to immigration status when specifically enforcing laws in which immigration status is an element of the crime, such as human trafficking and smuggling.

- 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

This policy does not prohibit members from assisting federal law enforcement in the investigation of a gross misdemeanor or higher non-immigration criminal activity involving people who may also be in violation of federal civil immigration laws. Example: A person wanted for robbery who also has civil violations.

MPD members must not detain such individuals for the criminal violation if reasonable suspicion is not present and must investigate with due diligence to arrive at probable cause. If reasonable suspicion is dispelled, the individual must be immediately released from detention. Members cannot maintain a detention on potential criminal conduct for the benefit of agents investigating civil immigration law. (5)

## C. No Maintenance of Immigration Status Records

If immigration status is uncovered inadvertently and is not related to the exceptions from section B, no mention of immigration status will be included in reports, nor documented and maintained in any fashion. (5)

## III. Procedures/Regulations

### A. Separation from Immigration Enforcement Activities

1. MPD members, including those who are involved with federal task forces, shall not participate in immigration enforcement. NOTE: Want to make it clearer than this does not JUST apply to task force members
2. Members shall not provide information to immigration enforcement agents, including when an arrest has occurred (5) or personally identifying information such as address, location of employment, or school being attended for the purpose of aiding in locating an individual solely for civil immigration enforcement actions. (6)
3. Members shall not assist in the removal or transportation of people in immigration enforcement proceedings.

4. Members shall not self-deploy to any immigration enforcement-related events.
5. 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. Members must activate their body-worn cameras any time they encounter immigration enforcement activity.

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 civil rights while and protecting all people from harm.

If a situation arises in which federal agents, including immigration officers, are assaulting members of the community, creating a clear and immediate threat to life or serious injury, or damaging property, members are expected to take appropriate action to maintain public safety and restore order by protecting the public. Members must intervene, in accordance with policy 2-102, when they witness or have a reasonable opportunity to prevent or mitigate harm caused by abuse of authority, use of excessive force, or violation of the Constitutional or the legal rights of any person, by any actor, including federal agents.

6. 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.
7. 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. Members also have a duty to participate in any investigation of the incident or involved agent(s).
8. 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.
9. ~~Members shall not interfere with or obstruct lawful federal immigration enforcement.~~

10. Members interacting with individuals suspected to have limited English language proficiency will not rely on federal agents to provide translation services and will adhere to MPD policy 7-1001 Limited English Language Proficiency policy.

## **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~~ safety 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, and the civil rights of both citizens and non-citizens.

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

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.

1. Local police do not have the authority to take law enforcement action for federal administrative civil warrants.
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.
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, detainees, or judicial ~~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.~~

NOTE: These examples should be in training instead of in the policy but if they are included in the policy, remove the contact information for LESC.

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

### **E. Identification Cards of Foreign Nationals**

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.
  2. Members shall not seize identification cards of foreign nationals.

### **REFERENCES**

1. Duluth Police Department Policy Manual Policy 412 Immigration Violations  
<https://duluthmn.gov/media/14445/dpd-policy-manual.pdf>
2. Palm Beach County, Florida Smart Policing Initiative  
<https://vrnclearinghousefiles.blob.core.windows.net/documents/Increasing%20Police%20Legitimacy%20and%20Reducing%20Victimization%20in%20Immigrant%20Communities.pdf>

3. Peter L. Markowitz, Rethinking Immigration Enforcement, 73 Fla. L. Rev. 1033 (2021). Available at: <https://scholarship.law.ufl.edu/flr/vol73/iss5/2>
4. Minneapolis MN code of Ordinances Title 2 – Administration Chapter 19 Employee Authority in Immigration matters. [CHAPTER 19. - EMPLOYEE AUTHORITY IN IMMIGRATION MATTERS | Code of Ordinances | Minneapolis, MN | Municode Library](#)
5. St. Louis Park Police Department Policy Manual Immigration Violations 413.4  
<https://www.stlouisparkmn.gov/home/showpublisheddocument/27772/638638965962230000>
6. Portland Policing Bureau Policy 0810.10 Bureau Contact with Members of Immigrant Communities and Individuals with Diplomatic Immunity. Available at <https://www.portland.gov/policies/police-directives/arrest-detentions-court-0800/081010-bureau-contact-members-immigrant>