

**CICERO POLICE DEPARTMENT
GENERAL ORDER: 61-01-02**



EFFECTIVE DATE: SEPTEMBER 01, 2004

REVIEW DATE: NOVEMBER 2009

SUBJECT: UNDOCUMENTED FOREIGN NATIONALS

1. POLICY:

a. The Cicero Police Department will:

- 1) **Not** stop a person on the suspicion they may be an undocumented foreign national.
- 2) Cooperate with the U.S. Immigration and Customs Enforcement (ICE) when it serves a public safety interest of the Town of Cicero, as defined in "B" below.
- 3) **Not** initiate police action where the primary objective is discovery of the citizenship or lawful resident status of any person.
- 4) **Not** initiate a citizenship or lawful resident status check, unless the subject is a documented gang member or is arrested on felony charges, felony drug charges or for any sex offense.

2. PROCEDURES:

- a. Title 8, U.S. Government Code, Section 1357, grants sole power and authority to arrest Page 1 of 2Page 1 of 2persons as undocumented foreign nationals to the employees and officers of the INS.
- b. No Cicero officer has any legal authority to arrest an undocumented foreign national on the lone fact the individual is an undocumented foreign national.

3. NOTIFICATION OF INS:

- a. If a person is charged with a felony, felony drug charge or any sex offense, and the arrested person is a foreign national, the officer will advise the INS of the charges and the pending court date.
- b. When a person has been identified and documented as a gang member, and when, in the officer's judgment, the person poses a danger to the community, the INS may be notified. Prior to notification of INS, the gang membership will be documented, and supervisory approval will be obtained and procedures as outlined in (C. 3.) will be followed.

1) An officer must receive supervisory approval prior to notifying INS.

- a) When the officer calls the after-hours number, he must give his or her name, rank, and the name of the department he represents, as this number is an answering service only.

- b) The INS will authorize the detention and respond to pick up the prisoner or request the subject be released pending follow-up by their agents.
 - c) When calling Immigration, always obtain the name of the officer authorizing the detention.
 - d) All contacts with the INS will be documented on a general report form.
- 2) The Deputy Superintendent of Administration will prepare a report each month, by the 15th of each month following the month being reported, summarizing arrests and charges of undocumented foreign nationals. This report will be made available to the public upon request.