

## Immigration Violations

### 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to employees of the New Orleans Police Department in reporting, investigating and enforcing immigration laws.

### 428.2 POLICY

It is incumbent upon all employees of this department to make a personal and professional commitment to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

Officers shall not take law enforcement action on the basis of actual or perceived immigration status, including the initiation of stops or other field contacts.

Officers shall not enforce La. R.S. 14:100.13, which states that no alien student or non-resident alien shall operate a motor vehicle in the state without documentation that the person is lawfully present in the United States.

### 428.3 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 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 Louisiana Constitution.

Officers shall not question victims of, or witnesses to, crime regarding their immigration status. Nothing in this provision shall prohibit NOPD from assisting nonimmigrant victims/witnesses in obtaining U Visa/T Visas, where appropriate.

### 428.4 INFORMATION SHARING

Unless otherwise dictated by law, it is the policy of the New Orleans Police Department that:

- (a) No employee shall prohibit, or in any way restrict, any other employee from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):
  1. Sending information to, or requesting or receiving such information from, ICE.
  2. Maintaining such information in department records.
  3. Exchanging such information with any other federal, state or local government entity.
- (b) Employees shall cooperate with state and federal agencies and officials on matters pertaining to enforcement of state and federal laws governing immigration.

# New Orleans Police Department

## Policy Manual

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#### **428.5 U VISA/T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC 1101(a)(15)(U), 8 USC 1101(a)(15)(T)). A declaration/certification for a U Visa/T Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U Visa/T Visa to be issued.

Any request for assistance in applying for U Visa/T Visa status should be made through the Victim/Witness Unit. The ISB commander or his/her designee should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted;
- (b) Review the instructions for completing the declaration/certification. Instructions for completing Forms I-918/I-914 can be found on the DHS website at <http://www.uscis.gov/portal/site/uscis>;
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted; and
- (d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.

Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.

#### **428.6 TRAINING**

The Education and Training Division shall ensure that all employees receive appropriate immigration training.

#### **428.7 ICE REQUEST FOR ASSISTANCE**

Specific requests for assistance by ICE or any other federal agency should be directed to a supervisor. This department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.