

	<h1 style="text-align: center;">S.O.P.</h1>		Eff. Date: 2/15/2019
			Number: 11
	Title: Immigration		
Issuing Authority: Chief Thomas R. Ryan			
Accreditation:			
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Revision Date	Page Numbers 1-5	Sections	Approved

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I. Purpose

The purpose of this directive is to establish procedures to ensure that the immigrant community understands that the department's primary mission is to serve the community and enforce the laws of this state.

II. Policy

It is the policy of the Woodbury Police Department to ensure that the immigrant community is treated with dignity and respect in a way that fosters trust between the department and the community. No law enforcement officer shall at any time engage in conduct constituting racially influenced policing as defined in Attorney General Law Enforcement Directive No. 2005-1.

III. Procedure

A. Enforcement of Federal Civil Immigration Law

1. Use of Immigration Status in Law Enforcement Activities. Except pursuant to Sections A.(3) below, no law enforcement officer of this agency shall:
 - a. Stop, question, arrest, search, or detain any individual based solely on:
 1. actual or suspected citizenship or immigration status; or
 2. actual or suspected violations of federal civil immigration law.
 - b. Inquire about the immigration status of any individual, unless doing so is:
 1. necessary to the ongoing investigation of an indictable offense by that individual; and

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2. relevant to the offense under investigation.
2. Limitations on assisting federal immigration authorities in enforcing federal civil immigration law.
 - a. Except pursuant to Sections A(3) below no officers of this agency shall provide the following types of assistance to federal immigration authorities when the sole purpose of that assistance is to enforce federal civil immigration law:
 1. Participating in civil immigration enforcement operations.
 2. Providing any non-public personally identifying information regarding any individual.
 3. Providing access to any state, county, or local law enforcement equipment, office space, database, or property not available to the general public.
 4. Providing access to a detained individual for an interview, unless the detainee signs a written consent form that explains:
 - a. the purpose of the interview;
 - b. that the interview is voluntary;
 - c. that the individual may decline to be interviewed; and
 - d. that the individual may choose to be interviewed only with his or her legal counsel present.
 5. Providing notice of a detained individual's upcoming release from custody, unless the detainee:
 - a. is currently charged with, has ever been convicted of, or has ever been adjudicated delinquent for a violent or serious offense, as that term is defined in Appendix A;
 - b. in the past five years, has been convicted of an indictable crime other than a violent or serious offense; or
 - c. is subject to a Final Order of Removal that has been signed by a federal judge and lodged with the county jail or state prison where the detainee is being held.
 6. Continuing the detention of an individual past the time he or she would otherwise be eligible for release from custody based solely on a civil immigration detainer request, unless the detainee:
 - a. is currently charged with, has ever been convicted of, or has ever been adjudicated delinquent for a violent or serious offense, as that term is defined in Appendix A;
 - b. in the past five years, has been convicted of an indictable crime other than a violent or serious offense; or

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- c. is subject to a Final Order of Removal that has been signed by a federal judge and lodged with the county jail or state prison where the detainee is being held. Any such detention may last only until 11:59 pm on the calendar day on which the person would otherwise have been eligible for release.
- 3. Exceptions and Exclusions: Nothing in Sections A (1) or (2) shall be construed to restrict, prohibit, or in any way prevent a law enforcement from this agency from:
 - a. Enforcing the criminal laws of this state.
 - b. Complying with all applicable federal, state, and local laws.
 - c. Complying with a valid judicial warrant or other court order, or responding to any request authorized by a valid judicial warrant or other court order.
 - d. Participating with federal authorities in a joint law enforcement taskforce the primary purpose of which is unrelated to federal civil immigration enforcement.
 - e. Requesting proof of identity from an individual during the course of an arrest or when legally justified during an investigative stop or detention.
 - f. Asking an arrested individual for information necessary to complete the required fields of the LIVESCAN database (or other law enforcement fingerprinting database), including information about the arrestee's place of birth and country of citizenship.
 - g. Inquiring about a person's place of birth on a correctional facility intake form and making risk-based classification assignments in such facilities.
 - h. Providing federal immigration authorities with information that is publicly available or readily available to the public in the method the public can obtain it.
 - i. When required by exigent circumstances, providing federal immigration authorities with aid or assistance, including access to non-public information, equipment, or resources.
 - j. Sending to, maintaining, or receiving from federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

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B. Agreements with the Federal Government

1. ***Section 287(g) Agreements*** Local law enforcement authority shall enter into, modify, renew, or extend any agreement to exercise federal immigration authority pursuant to Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g), unless:
 - a. The Attorney General grants written approval; or
 - b. The agreement is necessary to address threats to the public safety or welfare of New Jersey residents arising out of a declaration of a state or national emergency.

No law enforcement officer of this agency shall otherwise exercise federal civil immigration authority outside the context of Section 287(g). Nothing in Section A or B of this Directive shall apply to law enforcement agencies that are party to an agreement to exercise federal immigration authority pursuant to Section 287(g) when they are acting pursuant to such agreement.

2. ***Intergovernmental Service Agreements*** Nothing in Section A or B of this Directive shall apply to law enforcement agencies that are currently party to an Intergovernmental Service Agreement (IGSA) to detain individuals for civil immigration enforcement purposes when they are acting pursuant to such an agreement.

C. Requests for T and U Nonimmigrant Status Certifications

1. ***T-visa Certifications*** For T-visa certification requests, this agency's certification procedure shall include a determination of whether, pursuant to the standards set forth in federal law and instructions to USCIS Form I-914 Supplement B, the requester:
 - a. Is or has been a victim of a severe form of trafficking in persons; and
 - b. Has complied with requests for assistance in an investigation or prosecution of the crime of trafficking.
2. ***U-visa Certifications*** For U-visa certification requests, this agency's procedure shall include a determination of whether, pursuant to the standards set forth in federal law and instructions to USCIS Form I-918 Supplement B, the applicant:
 - a. Is a victim of a qualifying criminal activity; and
 - b. Was, is, or is likely to be, helpful in the investigation or prosecution of that activity.
3. ***Inquiry into and disclosure of immigration status.*** Notwithstanding any provision in Section A or B law enforcement officer of this agency may ask any questions necessary to complete a T- or U-visa certification. They may generally not disclose the immigration status

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of a person requesting T or U-visa certification except to comply with state or federal law or legal process, or if authorized by the visa applicant. However, nothing in this section shall be construed to restrict, prohibit, or in any way prevent an officer from sending to, maintaining, or receiving from federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

4. All T and U Visa certifications will be forwarded to the office of the Chief of Police.

D. Notifications and Recordkeeping

1. ***Notifications to detained individuals.*** Officers shall promptly notify a detained individual, in writing and in a language the individual can understand, when federal civil immigration authorities request:
 - a. To interview the detainee.
 - b. To be notified of the detainee's upcoming release from custody.
 - c. To continue detaining the detainee past the time he or she would otherwise be eligible for release.
 - d. When providing such notification, law enforcement officials shall provide the detainee a copy of any documents provided by immigration authorities in connection with the request.
2. ***Annual Reporting.*** On an annual basis, this agency shall report, in a manner to be prescribed by the Attorney General, any instances in which the agency provided assistance to federal civil immigration authorities for the purpose of enforcing federal civil immigration law described in Sections 2(a)1-6. Each year:
 - a. Any local or county law enforcement agency that provided assistance described in Sections 2(a)1-6 during the prior calendar year shall submit a report to the County Prosecutor detailing such assistance.
 - b. Each County Prosecutor shall compile any reports submitted by local or county law enforcement agencies and submit a consolidated report to the Attorney General detailing the agencies' assistance.
 - c. The New Jersey State Police and all other state law enforcement agencies that provided assistance described in Sections 2(a)1-6 during the prior calendar year shall submit a report to the Attorney General detailing such assistance.
 - d. The Attorney General shall post online a consolidated report detailing all instances of assistance by all state, county, and

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local law enforcement agencies, as submitted to the Attorney General during the prior calendar year.