

<p style="text-align: center;"><b>East Haven Police Department</b></p> 	<b>Type of Directive:</b> <b>Policies &amp; Procedures</b>		<b>No. 428.2</b>
	<b>Subject/Title:</b>  <b>Secure Communities Program</b>	<b>Issue Date:</b> <b>June 10, 2014</b>	
		<b>Effective Date:</b> <b>July 1, 2014</b>	
	<b>Issuing Authority:</b> <b>Honorable Board of Police Commissioners</b>	<b>Review Date:</b> <b>Annually</b>	
<b>References/Attachments: N/A</b>  <b>Policies and Procedures #304</b>		<b>Rescinds:</b> <b>428.1</b>	<b>Amends:</b> <b>N/A</b>

## I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department regarding the US Secure Communities Program and how the East Haven Police Department interfaces with federal immigration policy and procedure.

## II. POLICY

- A. The enforcement of the nation’s civil immigration laws is the responsibility of the federal government. Accordingly, the East Haven Police Department shall not undertake immigration-related investigations and shall not routinely inquire into the specific immigration status of any person(s) encountered during normal police operations.
- B. This prohibition does not preclude the East Haven Police Department from cooperating and assisting with federal immigration officials from the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) Agency when formally requested as part of an on-going criminal investigation, or from notifying those federal officials in serious situations where a threat to public safety or national security is perceived, as set forth in this directive.

## III. GENERAL GUIDELINES AND CONSIDERATIONS

The East Haven Police Department values the diversity of the community it serves. Many who live and work in and visit the Town have emigrated to this community from other countries and some may not be citizens or legal residents of the United States. The Town and the East Haven Police Department are committed to promoting safety and providing proactive community policing services to everyone in our community. In furtherance of the department’s Community Policing philosophy, all community members should know that

they are encouraged to seek and obtain police assistance and protection regardless of their specific immigration and/or documentation status.

The East Haven Police Department relies upon the cooperation of all persons, documented citizens and residents as well as those without a specific documentation status, to achieve our important goals of protecting life and property, investigating and preventing crime, and resolving recurring neighborhood issues. Assistance from immigrant populations is especially important when an immigrant, whether documented or not, is the victim of or witness to a crime. It is absolutely essential that these individuals do not feel uncomfortable or intimidated in coming forward with the requisite information and general firsthand knowledge to aid in investigating a particular crime. This type of mutual trust and cooperation is absolutely crucial in preventing and solving criminal incidents, as well as maintaining public order, safety and security in the entire community.

We as duly sworn police officers are responsible for providing effective police services to every individual in the Town of East Haven in an equal, fair, and just manner. The East Haven Police Department is concerned primarily for the safety and welfare of all individuals found within the territorial jurisdiction of the Town of East Haven. Thus, detection of criminal behavior is of primary interest and concern in dealing with any subject suspected of violating the law. Race, religion, gender, sexual orientation, age, occupation, immigration status or any other arbitrary characteristic pertaining to any specific individual have absolutely no bearing on any decision for an East Haven Police Officer to effectuate a stop or detention of an individual or effect an arrest.

The specific immigration status (or lack thereof) of an individual or group of individuals in and of itself is not and shall not be a matter of police concern or subsequent enforcement action. It is incumbent upon all officers and employees of the East Haven Police Department to make an unyielding personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this valued commitment will not only protect an individual's rights and freedoms from being adversely affected but shall also increase the public's confidence in the police department's effectiveness and efficiency in protecting and serving the members of the entire community.

The State of Connecticut participates in the Federal Secure Communities Program (S-Comm). Under Secure Communities, fingerprints of persons arrested by state and local law enforcement agencies, in which those agencies (including the East Haven Police Department) routinely submit these electronic prints to the FBI for criminal justice database checks, are automatically shared with the Department of Homeland Security (DHS-ICE).

## **IV. PROCEDURES**

### **A. Inquiries into Immigration Status**

1. A person's right to file a police report, participate in any police-community activities, or otherwise benefit from general police services shall not be contingent upon the individual providing proof of citizenship or any type of documented immigration status.

2. Officers shall not question any person about his or her specific citizenship or immigration status unless that person is reasonably believed to be or have been involved in the commission of a felony.
3. Officers shall not request passports, visas, resident alien cards (i.e., “green cards”) or travel documents in lieu of, or in addition to, driver’s licenses and other standard forms of identification. Such other documents shall be requested only when standard forms of identification are unavailable.
  - a. An exception to the above could occur if an operator of a lawfully stopped motor vehicle presents what appears to be a valid Foreign Country’s Driver’s License in which the license is valid in this state for only one (1) year and requires the operator to produce proof to the investigating officer of the most recent admission date to the United States so as to effectively toll the one year time period. (e.g., Form I-94 or Passport with the entry stamp).

B. Interactions with Persons Potentially in Violation of Civil Immigration Laws

1. No person shall be detained or taken into custody because he or she is not present legally in the United States or has committed a civil immigration violation, except as set forth in paragraph (2) below.
2. East Haven Police Officers shall not make arrests based on civil administrative warrants for arrest or removal entered by ICE into the FBI’s National Crime Information Center (NCIC) database, including civil administrative immigration warrants for persons with outstanding removal, deportation or exclusion orders unless the warrant is signed by a judge.

C. Interface with ICE

1. Except as otherwise provided in paragraph D, East Haven Police Officers shall not contact ICE concerning any person and shall not participate in any civil immigration-related investigation of any person unless at least one of the following conditions is met.
  - a. The person is arrested for any felony.
  - b. The person has been convicted in a court of competent jurisdiction of any violent felony.
  - c. East Haven Police Officers have reasonable suspicion that the person is involved in terrorist activities or human trafficking.
  - d. East Haven Police Officers have probable cause to believe the person is participating or has participated in organized criminal activity involving violence, distribution of illegal drugs, and/or financial crimes.

D. Secure Communities

1. All arrested subjects as part of the booking process are fingerprinted through the department’s Automated Fingerprint Identification System (AFIS). The fingerprints are submitted electronically to various databases to confirm the identity of the arrested subject.

2. The FBI forwards fingerprints received from local law enforcement agencies to ICE. ICE checks the arrestee's personal information against the DHS-ICE immigration databases. If ICE determines that it has an actionable interest in the local arrestee, the agency then determines the specific enforcement action, if any, to take based on DHS enforcement priorities. If the local arrestee appears to have violated the federal immigration laws and the arrestee is deemed to fall within any of the enforcement priorities, ICE decides whether to issue what is known as a Detainer for the arrested individual.
3. A Detainer, which is sent via fax, email, or through NCIC, is an official request from DHS-ICE directed to the state or local law enforcement agency to notify ICE before it releases an individual arrestee so that ICE has the opportunity to arrange for the transfer of the individual to federal custody.
  - a. No subject will be detained or held in the East Haven Police Department's custody based solely upon a civil detainer request.
  - b. If a person detained or held in the East Haven Police Department's custody is subject to a civil immigration detainer and is eligible to be released on the underlying state charge or charges and there are no other outstanding criminal warrants lodged, the subject shall be released, provided however that notice of the impending release may be given to ICE pursuant 8 C.F.R. 287.7.
4. When East Haven Police Department receives a detainer from ICE for a person in East Haven Police Department custody, East Haven Police Department shall as soon as practicable serve the subject the detainer with a copy of it, unless otherwise prohibited by law.
5. ICE Requests for Assistance
  - a. The U.S. Bureau of Immigrations and Customs Enforcement has jurisdiction for enforcement of the provisions to Title 8, U.S. Code dealing with illegal entry into the United States by foreign nationals.
    - 1) East Haven Police officers have no authority to enforce federal immigration laws and shall not make any arrest based solely on a suspected violation of immigration laws.
  - b. East Haven Police Officers shall not directly participate in any ICE operations solely for the civil enforcement of federal immigration laws unless at least one of the following conditions is met:
    - 1) Participation is in direct response to a request for assistance on a temporary basis for "Officer Safety" purposes.
    - 2) Participation calls for assistance in the apprehension of any individual who is also wanted on a criminal warrant from Connecticut or other jurisdiction which remains in full force and effect at the time of the request.
6. Any arrest by a member of the East Haven Police Department during the request for assistance by ICE shall be based upon probable cause that the detained individual is

or was involved in criminal activity other than a civil violation of federal immigration laws or is wanted by Connecticut or any other jurisdiction on a criminal warrant.

E. Training and Enforcement

The East Haven Police Department shall conduct necessary training consistent with this directive. Any alleged violation of this directive is subject to the investigative and complaint procedures of Policies and Procedures # 208.

F. Data Collection

The East Haven Police Department shall maintain a record of all ICE detainers, warrants, or transfers consistent with Connecticut's Record Retention laws. Unless otherwise prohibited by law, the Department shall provide a copy upon request; with properly redacted information to preserve inmate, East Haven Police Department, and/or ICE staff privacy. In addition the Department shall advise any person who requests ICE detainer or transfer records as to the number and type of records withheld from disclosure and the reasons therefore.