

Germantown Police Department

Policies and Procedures

Number: 2-16
Effective Date: January 1, 2003
Subject: Illegal Aliens
Previous Revisions:

I. PURPOSE

The purpose of this policy is to provide officers of the Germantown Police Department with guidelines for dealing with persons suspected of being illegal aliens.

II. POLICY

It is the policy of the Germantown Police Department for all officers to handle persons suspected of being illegal aliens in accordance with established policies and procedures, guidelines established by the U.S. Immigration and Naturalization Service, and Tennessee state statutes.

III. PROCEDURE

The U.S. Immigration and Naturalization Service normally will not respond to reports of illegal aliens unless the alien has been charged with any drug or other criminal offense. Aliens are subject to the laws of this country and are subject to arrest for violations.

The following procedures will be utilized when an officer encounters a situation involving illegal aliens:

- A. If an illegal alien is arrested on any drug or other criminal charges involving moral turpitude and/or a felony, then the officer should arrest and transport the suspect and notify the Immigration and Naturalization Service.
- B. If the suspect is arrested for a lesser offense, i.e., Criminal Trespass, Public Intoxication, Disorderly Conduct, Traffic, Theft of Property \$500 or less, or other less serious charges, then the Immigration and Naturalization Service should not be contacted, unless there are other grounds present which the officer feels might cause the Immigration and Naturalization Service to be interested in the suspect. Such other grounds might include the suspect being a citizen of a "Special Interest Country" as defined by the Federal Bureau of Investigation.
- C. If the suspect is thought to be an illegal alien, the officer should request the Communications Center to run an "IAQ" query on the suspect through NLETS. The

information gathered from this query may be used to justify contacting the Immigration and Naturalization Service if the officer feels that the suspect might of interest.

- D. If no charges involving the illegal alien exist, then an arrest should not be made. Again, other grounds may exist that that officer feels might cause the Immigration and Naturalization Service to be interested in the suspect. If in doubt, the officer should have the Communications Center contact the Immigration and Naturalization Service for guidance.
- E. If the suspect alien is a juvenile without the presence of a parent or guardian and has not committed a criminal offense, then the child will be taken into custody pursuant to state law and transported to Juvenile Court (See Chapter 7).
- F. Anytime an officer ENCOUNTERS an illegal alien, he/she should determine if the alien is employed and by whom. A memo detailing the employer information should be written to the Investigative Division, who may then forward that information to the Immigration and Naturalization Service.
- G. Officers should also be aware that certain countries have an agreement with the United States that upon the arrest of a citizen of that country, the arresting law enforcement agency is required to make appropriate consular notification. The Communications Center will have a list of mandatory notification countries.

IV. REVIEW PROCESS

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.