



NEWPORT POLICE DEPARTMENT

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
GENERAL	FEBRUARY 5, 2025	370.05	FEBRUARY 5, 2025
SUBJECT TITLE		SUBJECT AREA	
IMMIGRATION ENFORCEMENT GUIDELINES		LAW ENFORCEMENT OPERATIONS	
PREVIOUSLY ISSUED DATES			
NEW			
DISTRIBUTION	REEVALUATION DATE	PAGES	
ALL PERSONNEL	AS NEEDED	SEVEN (7)	

I. PURPOSE

The Newport Police Department is dedicated to providing all of its residents fair and equal protections under the law. The Newport Police Department respects, upholds, and values equal protection and equal treatment for all of our residents, regardless of immigration status. Fostering a relationship of trust, respect and open communication between the police department staff and the Newport community is essential to Newport Police Department's core mission. Public safety is best promoted when victims and witnesses of crime feel safe in cooperating with law enforcement officials.

The purpose of this policy is to communicate the Department's positions regarding its participation or non-participation in various immigration-related law enforcement activities and provide specific guidelines for the referral and disposition of persons that are suspects in a crime or charged with a criminal offense and who are suspected of being an undocumented non-citizen, to the appropriate federal law enforcement agency according to applicable state and federal laws.

II. POLICY

It is the policy of the Newport Police Department to constantly seek new ways of reducing crime and the fear of crime in our city so as to create a safer community. We are dedicated to both protecting human rights and apprehending criminals in a manner

consistent with the law. It is the policy of the Newport Police Department to aid federal, state and local law enforcement agencies in enforcing applicable laws and codes according to our agency's mission. Specifically, for issues relating to a person's immigration status and related offenses, the Newport Police Department will coordinate services with officials from the U.S. Immigration and Customs Enforcement (ICE) on matters of criminal activity and not solely for the purposes of civil immigration violations.

III. DEFINITIONS

A. United States Citizen: by definition would include:

1. Any person born in the United States or its possessions (Puerto Rico, U.S. Virgin Islands, and Guam).
2. Any person born outside the United States who has been granted U.S. Citizenship through the judicial process.
3. Any person born outside the United States who has derived U.S. Citizenship through their parents.

B. Alien: Any person in the United States who is not a United States citizen. There are three major classifications of aliens in the United States:

1. Non-Immigrant (aka Documented Noncitizen): Persons who have been admitted to the United States for a temporary period for a specific purpose, i.e., visitors, foreign students, crewmembers, and foreign diplomats.
2. Immigrant: Persons admitted to the United States for permanent residence. They may reside and work in the United States for an unlimited time. They must have their "green card" form I-551.
3. Illegal Alien (aka Undocumented Noncitizen): Persons who violate the immigration laws, i.e., a person who illegally crosses a border of the United States without inspection and/or authorization and persons who stay beyond their authorized periods.

C. Alien Registration Card (aka Green Card): This is the document registered under the Immigration and Nationality Act that must be carried by immigrants.

D. CBP: United States Custom and Border Protection

E. Crime Involving Moral Turpitude: Generally, moral turpitude has been described as anything done to the contrary to justice, honesty, principle, or good morals. Moral turpitude involves crimes against persons and crimes against property, i.e. Murder, Voluntary Manslaughter, Sexual Assault, Indecent Assault, Assault with a Dangerous Weapon, Aggravated Battery, Arson, Shoplifting, Larceny, Forgery, Fraud, etc.

- F. Deportable Offenses: Offenses that ICE can initiate deportation proceedings to include but not limited to: narcotics violations, weapons violations, aggravated felonies, crimes involving moral turpitude, and administrative violations (violations of the INA such as entering the U.S. without being inspected, staying beyond the authorized period, working without authorization, etc.).
- G. Detainer or Civil Immigration Warrant: A notice to another law enforcement entity or penal facility issued pursuant to 8 C.F.R. §287.7 to notify agencies that Immigration and Customs Enforcement (ICE) Service has an interest in the subject of such detainer for enforcement of the provisions of the Immigration and Nationality Act (INA). A detainer serves as a request for the custodial agency to notify ICE in advance of the release of the alien. It may also serve as a request to hold an alien for a brief period until ICE can arrange to assume custody of an alien.
- H. Direct Enforcement Activities: Entering private property structures, seeking out locations of individuals, detaining individuals and/or arresting individuals.
- I. ICE: United States Immigration and Customs Enforcement
- J. Judicial Warrant: A warrant based on probable cause and issued by an Article III federal judge or federal magistrate judge that authorizes federal immigration authorities to take into custody the person who is the subject of the warrant. A judicial warrant does not include a civil immigration warrant, administrative warrant or other documents signed only by ICE or CBP.
- K. Law Enforcement Service Center (LESC): A national, single point of contact, law enforcement center that provides timely immigration status and identity information to law enforcement agencies. The LESL provides real-time 365 days a year, 24 hours a day, 7 days per week assistance with information gathered from Department of Homeland Security (DHS) immigration and other databases, the National Crime Information Center (NCIC), the Interstate Identification Index (III) and state criminal history indices.

IV. PROCEDURES

A. Notification to ICE of Suspected Illegal Aliens Involved in Criminal Activity

1. When an officer, through the course of their duties, comes into contact with any person who is a suspect in a violent crime or who has been charged with a criminal offense *involving moral turpitude* and who the officer has reason to believe may be an illegal alien, the officer may contact ICE by:
 - a. Requesting dispatch personnel to submit an ICE Alien Query (IAQ) through the NLETS Computer System to the ICE Law Enforcement Support Center (LESC) located in Williston VT (ORI: VTINS0700).
2. The ICE LESL will check their databases and respond via an Immigration Alien Response (IAR) through NLETS back to the requesting dispatch

personnel/terminal. This reply should be noted on the dispatch log, printed, and turned over to the requesting officer for documentation and reporting purposes.

- a. The response time might be 20 minutes or more. The Dispatch Center will receive a computer-generated (non-automated) IAR message acknowledging receipt.
- b. The first part of each response will include the actual inquiry that was sent by the Newport Police Department.
- c. The remaining information will be sent in segments, the final segment will have the message "END" at the end of the message. This will denote no other info on the inquiry is forthcoming.
- d. Officers will review the final IAR and ensure that any requests from ICE i.e., release, hold on a detainer, etc. are forwarded to the OIC for final disposition of a suspect or defendant.
 - 1) In those instances where ICE faxes a copy of a Form G-56 requesting a follow-up appointment for a person in custody with that agency, the arresting officer will forward the form to a defendant. The G-56 will not be used for traffic stops or other non-custodial contacts.
 - 2) Any officer who requests an IAQ through the dispatch will ensure that they notify the appropriate Division OIC that the query was conducted to ensure those results are reviewed before the release of any suspect and/or defendant. The officer will also document the nature of the facts leading them to make the request, the outcome of the query, and any follow-up actions that are a result of the query, i.e., hold for ICE, etc. in their case report narrative.

B. Victims/Witnesses Suspected of Being Illegal Aliens

1. Newport Police Officers shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity that is unrelated to the enforcement of civil immigration law.
2. When an officer has reason to believe that a witness or victim of a crime, especially relating to domestic violence, is suspected of being an illegal alien the officer will ensure normal investigative procedures are followed. A person's residency status shall not be a factor deciding to pursue a complaint or complete an investigation. In those instances when a victim and/or witness citizenship is in question, the investigating officer shall not contact ICE officials to make notifications or inquiries.

C. Offline or Telephone Queries/Notifications to ICE

1. When an officer needs assistance with a criminal investigation or arrest involving any immigration issues, i.e., U.S. Citizenship, alien status, deportable offenses, crimes investigated by ICE, etc., he/she may contact local ICE Agents. This may be accomplished by contacting the following:
 - a. Immigration Specific: Inquiries can be called into the ERO number ([REDACTED])
 - b. HSI Criminal Investigation: For matters involving criminal investigation that require immediate attention, the RAC Providence Duty Agent can be reached by calling [REDACTED]

NOTE: The most effective way to obtain immigration status information after hours is to contact the ICE LESC in Williston, VT utilizing NLETS.

D. Investigations/Charges Involving Legal/Illegal Aliens or Any Foreign National

1. Any Foreign National involved in a criminal investigation who is arrested or detained must be provided all consular notification and access requirements under international treaties (Refer to General Order 370.06 Consular Notification).
 - a. The United States State Department should be contacted with any questions or concerns regarding consular notification requirements. The US State Department Publication [Consular Notification and Access](#) can also be consulted for relevant information and guidance.

E. Assistance to Federal Agencies Related to Immigration Enforcement

1. Should any federal agency notify the Newport Police Department of law enforcement activities taking place in Newport with regard to the primary enforcement of immigration violations, the staff member taking such notification shall inquire about location of the activity. This information shall be forwarded through the chain of command to the Chief of Police.
2. Should any federal agency request assistance from the Newport Police Department with law enforcement activities taking place in Newport with regard to the primary enforcement of immigration violations, the staff member taking the request should identify the location of the activity and the specific type of support being requested. The staff member will forward the request to the OIC for approval.
 - a. The Newport Police Department will not get involved in *direct enforcement activities* for the sole purposes of civil immigration violations, unless subsequent to those enforcement activities officers identify criminal behavior or violations. This will include Newport Police Officers assigned to federal task forces.
 - b. The Newport Police Department may assist with the safety and protection of community needs affected by federal immigration enforcement. Activities may include traffic or pedestrian control in the area of these activities.

- c. The Chief of Police will be notified of any requests for assistance by a federal agency. The OIC will make notifications through the chain of command.

F. Immigration And Customs Enforcement (ICE) Warrants

1. Upon seizing a subject who has an ICE warrant that is in NCIC, the officer will confirm the warrant with dispatch and identify if the warrant is a judicial warrant or an administrative detainer.
 - a. If the warrant is an administrative detainer, the police department will neither arrest nor hold the subject based exclusively on the civil administrative detainer.
 - b. The police department may respond affirmatively to a civil immigration detainer from ICE or CBP to detain or transfer an individual for immigration enforcement or investigation purposes for up to forty-eight (48) hours only if the request is supported by a judicial warrant.
 - c. The police department may detain a person for up to 48 hours on a detainer in the absence of a warrant if there are exigent circumstances preventing ICE from obtaining a warrant and there is probable cause that the individual has engaged in terrorist activity as defined in * USC 1182 (A)(3)(B)
 - d. Individuals in the custody of the Newport Police Department shall be subject to the same booking, processing, release, and transfer policies and procedures regardless of actual or suspected citizenship or immigration status.
 - e. Nothing in this policy shall limit members of the Newport Police Department from disclosing information about an individual's criminal arrests or convictions, where disclosure of such information about the individual is otherwise authorized by state law or required by court order; or disclosing information about an individual's juvenile arrest or delinquency or youthful offender adjudications, where disclosure of such information about the individual is otherwise authorized by state law.
 - f. Pursuant to 8 U.S.C. §1373 or 8 U.S.C. §1644, nothing in this policy is intended or shall be construed, to prohibit or restrict in any way the Newport Police Department from maintaining, exchanging, sending, or receiving information regarding citizenship or immigration status, lawful or unlawful, of any individual with federal, state, or local government.

G. Collection of Aggregate Data / Reporting

1. The Newport Police Department will maintain a log of the following information regarding interactions with ICE or CBP. The log will contain the dates, times, report numbers, an individual's demographic data (when available) and locations as applicable to the following:
 - a. If NPD contacts ICE regarding persons in custody for a crime or suspected of perpetrating a violent crime whose immigration status is in question.

- b. When ICE contacts NPD with notification of immigration enforcement activities.
 - c. When ICE or CBP contacts NPD requesting NPD take some action regarding immigration detainer, notification, transfer, interview or interrogation request.
2. Should the Newport Police Department take any action with regards to requests from ICE or CBP a call number will be issued and a report written about those actions if not already part of an already issued call number and report.
 3. The Newport Police Department will limit the information collected from individuals concerning immigration or citizenship status to that necessary to perform agency duties. The department shall not collect or maintain information about the political, religious or social views, associations or activities of an individual, group, association, corporation, business or partnership or other entity unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect that the particular subject of the information, whether individual or entity, is involved in criminal conduct.



Ryan G. Duffy
Chief of Police
Director of Public Safety