

## **Discriminatory Policing/Bias-Based Profiling— Immigration Status**

### **428.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to employees of the New Orleans Police Department on providing all individuals within the City essential police services regardless of immigration status, in order to build and preserve trust among community members.

### **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 stop, apprehension, arrest or other field contacts.

Officers shall not use their time or resources to investigate, question, inquire about a person's immigration status or otherwise enforce federal immigration law.

Nothing in this provision shall prohibit NOPD from assisting nonimmigrant victims/witnesses in obtaining U Visa/T Visas, where appropriate.

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 the 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.

### **428.4 REQUEST FOR IDENTIFYING INFORMATION**

When making a request that a person provide evidence of his or her identity, Officers shall accept as adequate evidence of identity, presentation of a photo identity document issued by a non-government organization stating the person's full name and date of birth or a verbal statement of the person's full name and date of birth.

Officers shall not require that a person produce a foreign passport as evidence of identity when a person is unable to produce a state identification card or driver's license.

#### **428.5 DISCLOSING IMMIGRATION STATUS INFORMATION**

Except as otherwise provided under applicable federal law, Officers shall not disclose information regarding the citizenship or immigration status of any person unless required to do so by legal process or such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or guardian.

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

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 U.S.C. 1101(a)(15)(U), 8 U.S.C. 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 has been, is being, or likely to be helpful 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 of 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 the any completed certification in the case file.

#### **428.7 TRAINING**

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

#### **428.8 ICE REQUEST FOR ASSISTANCE**

Specific requests for assistance by ICE or any other federal agency should be directed to a supervisor. This department will only provide available support services, such as traffic control or peacekeeping efforts, to ICE where it is required by a criminal warrant or court order issued by a Federal or State Judge. .