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|  | BEE CAVE POLICE DEPARTMENT | |
| | Policy: Immigration Enforcement | |
| | Effective Date: 09/1/2017 | Replaces: N/A |
| | Approved: Gary Miller Chief of Police | |
| | Reference: TBP | |

I. POLICY STATEMENT

It is the policy of this department that officers and civilian employees shall comply with all applicable state and federal laws regarding immigration enforcement issues and constitutional limitations on that authority.

II. PURPOSE

To describe procedures for officers having contact with persons who officers believe may not be able to prove residency, and to provide guidelines for assisting with federal immigration officers or federal immigration laws.

III. DEFINITIONS:

“ICE” means the Immigration & Customs Enforcement branch of the federal government.

“Officer” means a sworn peace officer under the laws of the state of Texas.

“Department employee” collectively means sworn officers and civilian employees of the department.

“Proof of residency” shall include a government issued photographic identification card or a document issued by the federal government indicating current legal immigrant status. It shall include, for these limited purposes, expired, revoked or suspended driver’s licenses.

“Detainer request” means a 48 hour hold issued by ICE based upon probable cause that a person has violated immigration restrictions and is civil in nature.

“Lawful detention” means a detention based upon reasonable suspicion that the detainee has committed, is committing or is about to commit a criminal offense other than an immigration violation. For purposes of this directive the term “lawful detention” shall not include a detention of a person who is a victim or witness of an offense.

“Lawful arrest” means an arrest based upon probable cause that the arrestee has committed a criminal offense other than an immigration violation.

IV. COMPLIANCE WITH LAWS MANDATORY

- A. During a lawful detention officers may inquire about the detainee’s immigration status. Officers should be mindful that if the detainee has provided proof of residency further inquiries about immigration status are not necessary.
- B. During a lawful detention officers may make inquiries via TCIC/NCIC to determine if the detainee is the subject of any ICE warrants or detainer requests. Officers shall not take the detainee into custody based solely upon an ICE detainer request.
- C. During a lawful detention officers may make inquiries via the local ICE agent or representative. Officers shall be mindful that a person cannot be detained for an extended period of time to await the response of an ICE agent or representative. Officers shall not take the person into custody solely for an ICE detainer. An ICE agent must respond to the officer’s location to take charge of the individual. If the person is not arrested for a separate criminal charge the officer shall not transport the individual to any facility to await the arrival of an ICE agent.
- D. Officers are reminded that a person who is lawfully detained is not obligated to respond to questions, including questions about identity and immigration status. Officers shall not compel a detained person to provide identification. Officers shall not arrest a person who refuses to identify himself or herself during a lawful detention, unless such a refusal violates state law.
- E. During a lawful arrest officers may inquire about the arrestee’s immigration status. Officers should be mindful that if the arrestee has provided proof of residency, further inquiries about immigration status are not necessary.
- F. Officers are reminded that a person under arrest is not required to answer any questions except to provide his or her name, residence and date of birth.

V. ENFORCEMENT COOPERATION

- A. Officers and civilian staff are authorized to assist immigration officials in enforcement actions pursuant to the following rules. Officers and staff shall cooperate with immigration officials who are investigating immigration matters.
- B. Officers and civilian staff shall not assist or cooperate with immigration authorities if the enforcement action is to take place at a place of worship.
- C. Any officer or civilian staff who receives a request to assist in an enforcement action shall immediately contact the supervisor on duty and relay the request. The supervisor will then determine whether there is sufficient personnel to assist ICE.
- D. When the department has sufficient personnel to assist ICE that assistance shall be limited to establishing a secure perimeter for the enforcement action.