



City of Racine Police Department

## Policy and Procedure

**Number: 404**

<b>Subject:</b> <b>Enforcement of Immigration Laws</b>		
<b>Date Issued:</b> <b>10-17-08</b>	<b>Effective Date:</b> <b>01-12-12</b>	<b>Revision Number:</b> <b>1</b>

**POLICY:**

The Racine Police Department recognizes and values the diversity of the community. The purpose of this policy is to provide guidance on the enforcement of immigration laws and to ensure equal protection and fairness to all persons regardless of their immigration status.

The Racine Police Department will cooperate with U.S. Immigration and Customs Enforcement (ICE). However, it is the policy of this Department that our officers shall not arrest or detain any person solely for a suspected violation of immigration laws, except upon the request of ICE.

Racine police officers may not stop vehicles or person(s) solely about immigration or citizenship status. Further, when officers make a lawful stop, they may not ordinarily detain the vehicle's occupants/person(s) beyond the period required for disposition of the matter that justified the stop.

Officers are not obligated by State or Federal law to question individuals about their immigration status during a traffic stop/Terry Stop.

**Key Points:**

- Officers may not stop a person or vehicle for the sole purpose of determining their immigration or citizenship status absent a reasonable suspicion of a violation of law.
- Officers may ask a person lawfully stopped about their immigration status.
- Officers may do NCIC (The National Crime Information Center) checks of all people lawfully stopped.
- Officers may ask passengers for identifying information; the passengers can refuse to provide it.
- Officers may detain or arrest the subject for suspected violations of Wisconsin law regardless of the subject's immigration status.

**Exceptions : Please refer to the Diplomatic and Consulate Immunity section.**

Once an officer has done an NCIC check on a lawfully stopped person the officer may discover that the subject has a criminal or civil immigration violation status. There are three primary IVF (Immigration Violators File) categories entered into NCIC. These three categories are:

1. Deported Felon. A hit under this category indicates a criminal immigration violation.
2. Absconder. A hit under this category indicates a criminal immigration violation.
3. NSEERS (National Security Entry-Exit Registration System). A category of IVF located in NCIC containing records for individuals who are subject to monitoring for national security or law enforcement interests while in the United States. A hit for this section indicates a civil immigration violation.

**Key Points:**

- Officers may enforce criminal immigration status violations for Deported Felons or Absconder categories. However before arresting the subject officers should confirm the hit from NCIC with the LESC (Law Enforcement Support Center).
- Racine Police Department officers will not enforce civil immigration status violations, (NSSERS category). Therefore, officers must release the person without delay. Contact ICE or WSIC (Wisconsin State Information Center) 1-888-DCI-WSIC, after the person is released.

**Diplomatic and Consulate Immunity**

The United States extends privileges and immunities to members of diplomatic missions and consular posts so as to ensure the efficient and effective performance of their official missions on behalf of their governments. There are various levels of immunities and privileges extended depending on the position or status of the individual. Each individual with immunity is given an identification card issued by the Department of State. The cards are color coded for different positions and specific immunity information is listed on the back of each card.

In all situations, whether a card was presented or if you were notified verbally, you should contact the Department of State to confirm the individual's status and specific immunities or privileges. Confirmation can be made during business hours at the Office of Protocol: **202-647-1985** and after business hours at the Diplomatic Security Command Center: **571-345-3146** or **1-866-217-2089**.

All diplomats or consular officials may be issued traffic citations.

**Key Points:**

- Members of diplomatic missions and consular posts have certain privileges and immunities.
- Each individual with immunity is given an identification card issued by the Department of State, which is color coded for different positions and immunities.
- If an individual's immunity prevents them from being arrested or detained, officers should release the subject without delay unless it is unsafe to do so.

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