



RESPONDING TO INCIDENTS INVOLVING CITIZENSHIP STATUS



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CALEA:			

I. PURPOSE

This directive:

- A. continues the procedures for responding to incidents involving citizenship status delineated in the Welcoming City Ordinance, Title 2-173 of the Municipal Code of Chicago (MCC).
- B. continues the Immigration Detainer/Administrative Warrant Log (CPD-31.110).
- C. satisfies CALEA Law Enforcement Standards in Chapter 1.

II. GENERAL INFORMATION

Pursuant to federal law, the enforcement of immigration law generally rests with the U.S. Immigration and Customs Enforcement and Removal Operations (ICE ERO) and not with the state and local police.

III. DEFINITIONS

For the purpose of this directive, the following definitions apply:

- A. "Administrative warrant" means an immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document that can form the basis for an individual's arrest or detention for a civil immigration enforcement purpose, non-limiting examples of which include Form I-200 "Warrant for the Arrest of Alien," Form I-205 "Warrant of Removal/Deportation," any predecessor or successor form, and all wants, hits, or requests contained in the "Immigration Violator File" of the FBI's National Crime Information Center database. This definition does not include a criminal warrant issued upon a judicial determination of probable cause, and in compliance with the requirements of the Fourth Amendment to the U.S. Constitution and Article I, Section 6, of the Illinois Constitution.
- B. "Immigration detainer" means a request by ICE to a federal, state, or local law enforcement agency to provide notice of release or maintain custody of an individual based on an alleged violation of a civil immigration law, non-limiting examples of which include detainers issued pursuant to Sections 1226 or 1357 of Title 8 of the United States Code or Sections 287.7 or 236.1 of Title 8 of the Code of Federal Regulations, Form I-247A "Immigration Detainer - Notice of Action" and any predecessor or successor form.
- C. The United States Department of Homeland Security (DHS) protects the United States against threats. Its wide-ranging duties include aviation security, border control, emergency response, and cyber security. Agencies within DHS include the U.S. Immigration and Customs Enforcement Agency (ICE) and U.S. Customs and Border Patrol (CBP). Homeland Security Investigations (HSI) and Enforcement and Removal Operations (ERO) are components of ICE.
- D. "Immigration agent" means any person tasked with the enforcement of civil immigration law employed by ICE ERO, HSI, CBP, or any successor agencies.
- E. "Immigration agency" means an agency tasked with enforcement of federal civil immigration laws including ICE ERO, HSI, CBP, or any successor agencies.

- F. "Contact information" means any information that assists in contacting an individual, including, but not limited to, telephone numbers, social media identifiers, electronic mail addresses, or home or work addresses.

#### IV. POLICY

- A. Department members will provide police service to all persons in the City of Chicago, regardless of their citizenship or immigration status.
- B. Department members will not utilize threats of deportation, or engage in verbal abuse of any person based upon the person's or the person's family members' actual or perceived citizenship or immigration status.
- C. Department members will **not** participate in civil immigration enforcement operations or assist the civil enforcement of federal immigration law.

**EXCEPTION:** This does **not** preclude Department members from responding and taking police action should a contemporaneous public safety concern arise or in response to alleged violations of the Illinois Compiled Statutes or Municipal Code of Chicago.

- D. The Department will **not** enter into an agreement under Section 1357(g) of Title 8 of the United States Code or any other provision of federal law that permits state or local governmental entities to enforce federal civil immigration law.
- E. The Department will **not** enter into or renew any agreement providing direct access to any electronic database or other data-sharing platform maintained by the Department or otherwise provide direct access to such database, to any federal agency if the Department determines that the purpose of such access is for the enforcement of civil immigration law.
- F. Department members will **not** stop, arrest, detain, or continue to detain a person:
1. solely on the belief that the person has committed a civil immigration violation or is not legally present in the United States.
  2. based upon an administrative warrant, including but not limited to, those entered into the Federal Bureau of Investigation's National Crime Information Center (NCIC) database, successor database, or similar database maintained by the United States.
  3. based upon an immigration detainer.
- G. Department members will **not** :
1. permit immigration agents access to a person being detained by, or in custody of, the Department or a Department member, including by telephone.
  2. permit immigration agents to use Department facilities for investigative interviews or other investigative purpose.
  3. while on duty, expend time responding to an immigration agency's inquiry or communicating with an immigration agency regarding a person's custody status, release date, or contact information.
- NOTE:** Department members are only authorized to communicate with immigration agencies to clarify whether any matter involves enforcement based solely on a violation of a civil immigration law (MCC 2-173-020(a)(3)). Department members will not participate in civil immigration enforcement operations or assist the civil enforcement of federal immigration law.
4. transfer any person into ICE custody for the sole purpose of civil immigration enforcement.

5. request, maintain, or share the citizenship or immigration status of any person unless 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.

**NOTE:** The prohibition in Item IV-G-5 does not apply when required by statute, federal regulation, court order, or a lawfully issued judicial warrant (MCC 2-173-030(a)).

6. set up a traffic perimeter or provide on-site support to assist a civil immigration enforcement operation.

**NOTE:** This does not preclude Department members from responding and taking police action should a contemporaneous public safety concern arise or in response to alleged violations of the Illinois Compiled Statutes or Municipal Code of Chicago.

- H. The Department will cooperate with those who report crimes, regardless of whether such report is made by a witness or a victim, and regardless of the citizenship or nation of origin of the reporter. Upon receiving a request for completion of a law enforcement certification form or statement required by federal immigration law certifying that a person is a victim of qualifying criminal activity, Department members will follow the procedures delineated in the Department directive titled "[U Visa Nonimmigrant Status Certification](#)."

- I. Where presentation of an Illinois driver's license or identification card is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document) will be accepted and will not subject the person to a higher level of scrutiny or different treatment than if the person had provided an Illinois driver's license or identification card (MCC 2-173-040(b)).

## V. PROCEDURES

- A. If the Department receives a request from an immigration agency to provide assistance with a civil immigration enforcement operation, a supervisor from the district of occurrence will respond to the scene and determine whether such request is to assist in the enforcement of civil immigration law.
- B. If the supervisor determines that the request is to assist in the enforcement of civil immigration law, the supervisor will decline the request and notify the Office of Emergency Management and Communications (OEMC) of the request for assistance with civil immigration enforcement.
- C. If the supervisor determines that the request is not to assist in the enforcement of civil immigration law, the supervisor will ensure that appropriate police action is taken.
- D. If an investigation reveals an individual is the subject of:
1. an administrative warrant or immigration detainer that is based solely on a violation of an administrative immigration law and:
    - a. is not in custody, Department members will **NOT** take the subject into custody for the administrative warrant.
    - b. is in custody for an unrelated charge, Department members will:
      - (1) **NOT** enforce the administrative warrant.
      - (2) indicate the presence and non-enforcement of the administrative warrant in the narrative of the Arrest Report.
  2. a criminal warrant, Department members will take the individual into custody and process him or her in accordance with the procedures outlined in the Department directives titled "[Non-Traffic Arrest Warrant Procedures](#)" and "[Processing Persons Under Department Control](#)."

## VI. REPORTING REQUIREMENTS

- A. Members of the Administrative Support Division who receive an immigration detainer or administrative warrant will note the receipt on the Immigration Detainer/Administrative Warrant Log (CPD-31.110). The Director, Administrative Support Division, will ensure that this Log is forwarded to the Commander, Strategic Initiatives Division, on a quarterly basis.
- B. Any other Department member receiving an immigration detainer or administrative warrant from an immigration agency will submit an Information Report via the Automated Information Report System.
- C. All Information Reports submitted pursuant to this directive will be consistent with the Department directive titled "[Information Reporting System](#)" with the category of "Receipt of Immigration Detainer/Administrative Warrant." The Information Report will include:
  - 1. the date that the immigration detainer or administrative warrant was received; and
  - 2. the file number and subject's information including name, date of birth, and sex.
- D. A Department member receiving a request from an immigration agency via OEMC will follow the procedures outlined in Item V of this directive.
- E. The Strategic Initiatives Division will issue a quarterly report consistent with the reporting requirement of the Welcoming City Ordinance (MCC 2-173-069).

(Items indicated by *italics/double underline* were added or revised.)

Authenticated by KC

David O. Brown  
Superintendent of Police

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