I. PHILOSOPHY

The Ann Arbor Police Department has a longstanding and demonstrated commitment to principles of non-discrimination, equal protection, and fair, effective and just policing. We welcome all persons regardless of race, creed, color, sex, sexual orientation, gender, gender identity or expression, ethnicity, religion, disability status, genetic information, protected veteran status, military service, nationality, national origin or citizenship status, and will support policies that do the same. It has been and will continue to be the practice of the Ann Arbor Police Department to recognize that all persons present in the City of Ann Arbor are members of the Ann Arbor community, and will be treated with dignity, respect and fairness at all times.

II. SCOPE

This policy applies to all Ann Arbor Police Department personnel.

III. DEFINITIONS

A. **Judicial Warrant** - A judicial warrant is a formal written order authorizing a law enforcement officer to make an arrest, search or seizure. A judicial warrant is signed by a judge after probable cause has been determined.

B. **Administrative Warrant** - An administrative warrant is a formal written document authorizing a law enforcement officer from a designated federal agency, such as an ICE agent working for the Department of Homeland Security (DHS), to make an arrest or seizure. Unlike a judicial warrant, an administrative warrant does not authorize a search. An administrative warrant is issued by a federal agency such as DHS and can be signed by an immigration officer without a finding of probable cause.

C. **Immigration Detainer** - A request from U.S. Immigration and Customs (ICE) or U.S. Customs and Border Protection (CBP) that asks a federal, state or local law enforcement agency — including jails, prisons or other confinement facilities — to notify the requesting agency as early as possible before they release a particular person and/or hold the person for up to 48 hours beyond the time they would ordinarily release them so the requesting agency has time to assume custody in accordance with federal immigration law.

D. **Civil Immigration Law** - Civil immigration law focuses on the legal status of individuals and the processes for regulating their presence in the country.

IV. POLICY

A. The enforcement of federal immigration law is a federal law enforcement function. It is not a function or duty of the Ann Arbor Police Department.

B. AAPD personnel shall require a judicial warrant prior to detaining an individual, or in any manner prolonging the detention of the individual, at the request of ICE or CBP.

C. AAPD personnel shall not arrest, detain, or transport an individual solely on an administrative warrant or immigration detainer brought under civil immigration law.

D. AAPD personnel shall not inquire into an individual's place of birth, citizenship, or immigration status unless necessary to advance a criminal investigation, process an arrestee for a criminal offense, or other law enforcement or employment purposes unrelated to immigration enforcement; essential to provide services to victims of certain crimes (U visa) or victims of human trafficking (T visa); or when otherwise required by law, or by existing City regulations.

E. AAPD personnel shall not use threats of deportation against individuals based on their actual or perceived immigration status.

F. AAPD personnel shall continue to honor inter-governmental requests for public records. However, no employee of The Ann Arbor Police Department shall voluntarily release information to ICE or CBP which may be used to ascertain an individual's immigration status, unless for a legitimate law enforcement purpose unrelated to the enforcement of civil immigration law.

G. If it is necessary to grant ICE or CBP access to AAPD facilities for investigative purposes unrelated to civil immigration enforcement, individuals with whom ICE or CBP engage and/or interview shall be notified that they are speaking with ICE or CBP, and the AAPD shall make reasonable efforts to ensure that this notification is given with the assistance of a translator or translation service qualified to give such notification in the native language of the individual ICE or CBP is seeking to engage with and/or interview.

H. AAPD personnel shall not authorize or engage in the human or technological surveillance of any person or group based solely upon the person or group's actual or perceived immigration status.

I. AAPD personnel shall not interrogate, arrest, detain or take other enforcement action against an individual based solely upon the person's actual or perceived immigration status.

J. The AAPD shall not assist or provide support to ICE or CBP in the interrogation, apprehension, detention or arrest of any individual suspected only of violations of civil immigration law.

K. When deemed appropriate by the Chief of Police or their designee to maintain order, protect persons or property within the City of Ann Arbor, and/or provide for the general safety or welfare of City residents, an AAPD officer may be present during ICE or CBP enforcement activity. Any AAPD presence shall be limited in scope and time to what is reasonably necessary to maintain order, protect persons or property within the City of Ann Arbor, and/or provide for the general safety or welfare of City residents and shall not be to assist or provide support for the enforcement of civil immigration law.

L. AAPD personnel may, with the approval of Chief of Police or their designee participate in joint task forces to investigate criminal offenses including but not limited to terrorism, human trafficking, narcotics trafficking, and organized crime, provided they shall not participate in operations in which the primary purpose of the joint task force is civil immigration enforcement.

M. AAPD personnel may assist any law enforcement official where the safety of the public or a law enforcement officer is in danger.

N. Nothing in this policy shall excuse or prevent the AAPD from properly responding to emergency calls.

O. The AAPD shall not enter into any agreement which would require AAPD personnel to assist in the enforcement of civil immigration law.

P. AAPD personnel shall abide by and respect all existing legal and constitutional protections and guarantees related to the treatment, interrogation, arrest, detention and custody of an individual.

Q. This policy shall not be carried out in violation of any existing federal law, nor does it authorize AAPD personnel to prevent or hinder the enforcement of federal law.

V. CITY INTERNAL/EXTERNAL COMPLAINT PROCESS

A. Any person who alleges a violation of this policy may file a written complaint for investigation with the City Administrator, who shall then handle the complaint in a manner consistent with the City's existing practices, policies, rules, and/or contracts.