

	<b>RUTGERS UNIVERSITY POLICE DEPARTMENT WRITTEN DIRECTIVE SYSTEM</b>		<b>7:16</b>
	<b>CIVIL IMMIGRATION LAWS</b>		
	<b>Effective Date: 11-3-2018</b>		<b>Supersedes:</b>

### 7:16-1 **PURPOSE**

The purpose of this directive is to establish the role of this agency with respect to the enforcement of civil immigration laws.

### 7:16-2 **POLICY**

It is the policy of this department to protect the public by investigating state criminal offenses and enforcing state criminal laws in lieu of enforcing civil immigration violations except in narrowly defined circumstances in order to sustain, foster and strengthening trust between law enforcement and immigrant communities.

### 7:16-3 **DISCUSSION**

In recent years, the federal government has increasingly relied on state and local law enforcement agencies to enforce federal civil immigration law. This trend presents significant challenges to New Jersey's law enforcement officers, who have worked hard to build trust with the state's large and diverse immigrant communities.

It is well-established, for example, that individuals are less likely to report a crime if they fear that the responding officer will turn them over to immigration authorities. This fear makes it more difficult for officers to solve crimes and bring suspects to justice, putting all New Jerseyans at risk.

It is therefore crucial that the State of New Jersey makes very clear to our immigrant communities something that may seem obvious to those in law enforcement: there is a difference between state, county, and local law enforcement officers, who are responsible for enforcing *state criminal law*, and federal immigration authorities, who enforce *federal civil immigration law*.

Put simply, New Jersey's law enforcement officers protect the public by investigating state criminal offenses and enforcing state criminal laws. They are not responsible for enforcing civil immigration violations except in narrowly defined circumstances. Such responsibilities instead fall to the federal government and those operating under its authority.

Although state, county, and local law enforcement officers should assist federal immigration authorities when required to do so by law, they should also be mindful that providing assistance above and beyond those requirements threatens to blur the distinctions between state and federal actors and between federal immigration law and state criminal law. It also risks undermining the trust law enforcement has built with the public.

Nothing in this Directive restricts member of this agency from complying with the requirements of Federal law or valid court orders, including judicially-issued arrest warrants for individuals, regardless of immigration status.

#### **7:16-4 GENERAL**

- a. Members of this agency shall be limited in assisting federal immigration authorities with respect to the enforcement of federal civil immigration laws, except as provided at section 9:2-9.
- b. No member of this agency shall provide the following types of assistance to federal immigration authorities when the sole purpose of that assistance is to enforcement federal civil immigration law; including, but not limited to:
  - 1. Participating in civil immigration enforcement operations;
  - 2. Providing any non-public personally identifying information regarding any individual. For the purposes of this section; the term: “non-public personally identifying information” includes:
    - A social security number, credit card number, unlisted telephone number, driver’s license number, vehicle plate number, insurance policy number and active financial account number of any person.
    - The term may also include the address, telephone number, or email address for an individual’s home, work, or school, if that information is not readily available to the public.
  - 3. Providing access to any state, county, or local law enforcement equipment, office space, database, or property not available to the general public.
  - 4. Providing access to a detained individual for an interview, unless the detainee signs a written consent form that explains:
    - The purpose of the interview;
    - That the interview is voluntary;
    - That the individual may decline to be interviewed; *and*
    - That the individual may choose to be interviewed only with his or her legal counsel present.
- c. A detained individual shall be promptly notified, in writing and in a language the individual can understand, when federal civil immigration authorities request to interview the detainee.

#### **7:16-5 JUDICIAL WARRANTS & ICE DETAINERS**

- a. A “judicial warrant” is one issued by a federal or state judge. It is not the same as an immigration detainer—sometimes referred to as an Immigration and Customs Enforcement (ICE) detainer—or an administrative warrant, both of which are currently issued not by judges but by federal immigration officers.
- b. Under federal and state law, local law enforcement agencies are not required to enforce civil administrative warrants or detainers issued by federal immigration officers rather than federal or state judges.