



The Grand Rapids Police Department
&
Federal Immigration Enforcement
Frequently Asked Questions





Federal Immigration Enforcement and the GRPD

The Grand Rapids Police Department

The GRPD is the second largest municipal department in the state of Michigan and is responsible for enforcing state law and local ordinances within the jurisdiction of the City of Grand Rapids. All sworn and civilian personnel of the department are dedicated to protecting, with professionalism, everyone who lives, works, and plays in this energetic and welcoming city. We do this through a steadfast approach to community policing, focusing on preventing crime through strategy, partnership, and collaboration with all stakeholders. Furthermore, the Grand Rapids Police Department is committed to providing services with strict adherence to the law and Constitution.

The GRPD is neither responsible for, nor has the authority to, enforce federal civil immigration laws used to detain or remove undocumented immigrants from the United States. This means that the GRPD does not serve as a civil immigration enforcement agency for the federal government. The department does not take on the responsibility of performing immigration functions unrelated to investigating and enforcing criminal violations.



Federal Immigration Authorities

A number of federal agencies are responsible for administering and enforcing federal civil and criminal immigration laws. They include:

- U.S. Citizenship and Immigration Service (US-CIS)
- Customs and Border Protection (US-CBP)
- Immigration and Customs Enforcement (US-ICE)

These agencies, headquartered in Washington, D.C., are responsible for the administrative functions of granting immigration status and removing individuals who are not in compliance with federal immigration laws and regulations. In addition, US-CBP and US-ICE investigate federal criminal violations of immigration laws in coordination with federal prosecutors who seek criminal penalties, including prison terms and fines, in United States District Courts.

Laws and Policies

The GRPD's role in immigration enforcement is defined by the policies and procedures of the department and the city, which are consistent with the limitations of federal, state, and local laws. The restrictions set forth are consistent with the long-standing practices of the Grand Rapids Police Department, which promote community partnership and public safety.

The following Frequently Asked Questions are designed to provide useful information regarding the GRPD's role in immigration enforcement based on existing agency and city policies, as well as federal, state, and local laws.



Frequently Asked Questions

1. Does the GRPD arrest individuals for, or otherwise enforce, federal civil immigration violations?

No. Under federal law, department personnel are prohibited from investigating or arresting a person for civil immigration purposes.

2. Can an officer stop a person to determine the person's immigration status?

No. Under federal law a stop requires that an officer have *reasonable suspicion* of a crime being perpetrated. Stopping someone to inquire about their immigration status based solely on how the person looks would be a violation of the reasonable suspicion standard.

This would also violate Grand Rapids Police Department policy regarding Impartial Policing. This policy affirms that the GRPD has an obligation to protect all Grand Rapidians from crime and victimization and that the full cooperation of victims and witnesses, regardless of immigration status, is essential to hold criminals accountable in a court of law.

In addition, immigration is a federal issue and the GRPD does not act as a first line enforcer of federal law.

3. Are there any federal immigration-related laws that make it a crime for someone who is undocumented to be in the United States?

Yes. Although immigration status violations are generally civil in nature, there are limited circumstances when an undocumented immigrant may have committed a



federal crime for improperly entering or re-entering the U.S. under federal immigration laws. Examples include:

- 8 U.S.C. 1325 makes it a federal misdemeanor crime to improperly enter the U.S. at a time, place, or manner other than as designated by immigration authorities.
- 8 U.S.C. 1326 makes it a felony for a person to enter or be present in the U.S. without permission of the U.S. Attorney general after having previously been denied admission, excluded, deported, or removed.

Federal immigration authorities have the primary responsibility to investigate and enforce these, and other, criminal immigration offenses. The Grand Rapids Police Department does not investigate or enforce these, or similar, federal immigration statutes.

4. Can a GRPD officer arrest someone who has an outstanding arrest warrant for violating a federal criminal immigration offense?

Yes. If a GRPD officer learns that a suspect has a criminal arrest warrant issued by a federal judge for an immigration-related offense, such as the violations outlined in #3 above, the officer may detain and arrest the suspect pursuant to the warrant. Once the suspect is taken into custody, the suspect will be transferred to federal authorities to appear before a federal judge.

It is also important to note that an arrest warrant is an order issued by a judge. The law does not grant an officer the discretion to decide which arrest warrants to enforce and which to ignore.

5. Can a GRPD officer make a warrantless arrest of someone suspected of entering the U.S. improperly?

No. Under federal law, the crime of improperly entering the United States is completed upon entry. Because the City of Grand Rapids has no international boundaries, the GRPD has no enforcement ability with this federal violation.



6. Can a GRPD officer temporarily detain someone who was previously deported and re-entered the U.S. illegally?

Yes. While conducting law enforcement activities unrelated to immigration enforcement, GRPD officers may receive a National Crime Information Center (NCIC) Immigration Violator's Record stating that a person may have illegally re-entered the U.S. after having been convicted of an aggravated felony as defined by federal statute.

Grand Rapids Police officers are permitted to detain such individuals for a reasonable period of time to determine if a crime has occurred. If no crime has occurred the officers will immediately release the individual from custody unless another lawful basis exists to detain or arrest the individual for a non-immigration local, state, or federal offense.

7. Does the GRPD interview arrestees to determine their immigration status?

No. The GRPD does not interview arrestees to determine their immigration status. Department personnel may inquire into an individual's civil immigration status to provide victim services such as T Visas or U Visas, investigate a criminal offense (e.g., sexual exploitation, human trafficking, etc.) or when otherwise required by law.

8. Does the GRPD ask individuals for their place of birth?

When an officer asks about a person's place of birth, some members of the immigrant community may mistakenly believe the officer is asking the question to determine the person's immigration status. Generally, an officer is asking this question for background information or for another investigative purpose.

An officer, however, may ask for and record an individual's place of birth if the person is being arrested for a criminal offense, comply with consular notification requirements, investigate a crime, or otherwise comply with the law.



9. Does the GRPD notify US-ICE that they have arrested someone who may be in violation of civil immigration laws?

Pursuant to federal law, Department personnel are not prohibited from or in any way restricted from sending to, or receiving from, the U.S. department of Homeland Security (DHS) or US-ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

Federal authorities may become aware of a person who, according to US-ICE, is undocumented when the person is arrested and processed into a correctional facility when the individual's fingerprints and other identifiers are submitted to the FBI as part of the booking process.

10. Does the GRPD notify US-ICE if a suspect or arrestee has an immigration related criminal arrest warrant?

Yes. If a GRPD officer learns that an arrestee has an arrest warrant for violation of federal criminal immigration law, the GRPD will confirm the warrant with US-ICE or the originating agency to verify the arrest information.

11. Does the GRPD maintain records that reflect the immigration status of an arrestee, witness, or victim?

No. The GRPD neither requests nor records the citizenship or immigration status of individuals unless necessary to provide services such as T or U Visa information and certification, to investigate a criminal offense (e.g., sexual exploitation, trafficking, extortion, etc.), for consular notification purposes, or as otherwise required or permitted by state or federal law.

12. Does the GRPD assist US-ICE with civil immigration enforcement operations in Grand Rapids?

No. GRPD officers do not participate in or assist US-ICE personnel during civil



immigration enforcement operations. GRPD officers, however, will respond to the location of an immigration operation if there is an emergency, such as a crime in progress or a request for emergency services.

13. Does the GRPD work with US-ICE on criminal investigations unrelated to immigration?

Yes. The GRPD works closely with many federal agents to investigate state and federal criminal offenses such as narcotics trafficking, human trafficking, child exploitation, and terrorism. GRPD personnel work with US-ICE and other federal agents to investigate criminal networks and prosecute criminal offenders.

Department personnel may participate in joint operations, such as the execution of criminal search or arrest warrants, interviewing witnesses, or other criminal investigative activities that will not involve civil immigration enforcement by any participant.



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