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Item Number: 3



CITY OF GRAND RAPIDS AGENDA ACTION REQUEST

DATE: January 28, 2025

TO: Mark Washington, City Manager

COMMITTEE: City Commission Meeting
LIAISON: N/A

FROM: Mark Washington, City Manager
Executive Office

SUBJECT: **Report from the City Manager about the GRPD Policy on Interacting with Undocumented Immigrants and with the Immigration and Customs Enforcement Agency**

Given the current discussion about immigration enforcement, I want to apprise the City Commission of the applicable Grand Rapids Police Department policy, adopted in 2019, which is attached.

In summary, GRPD will not coerce, threaten with deportation or engage in verbal abuse of any person based on the person's or the person's family members' actual or perceived immigration status or citizenship. The Department will not inquire into a person's immigration status when the person seeks police services, such as filing a police report or calling 911. Moreover, officers will not stop, question, investigate, arrest, search or detain an individual based solely on actual or suspected immigration status, actual or suspected violations of federal civil immigration law, prior deportation order or other civil immigration document.

The Police Chief also highlighted the 2019 policy at the City Commission meeting on January 23, 2025.

CORRECT IN FORM


DEPARTMENT OF LAW

- A. PURPOSE. To establish guidelines for members of the Grand Rapids Police Department regarding contact with foreign nationals, in order to ensure equal enforcement of the law and equal service to the public regardless of citizenship or immigration status.
- B. GOALS
1. To foster trust and cooperation with all people served by the department.
 2. To increase effectiveness of the department in protecting and serving the entire community.
 3. To encourage all people to communicate with the Grand Rapids Police Department without fear of inquiry regarding their immigration or documentation status.
 4. To comply with federal and international law regarding diplomatic immunity and consular notification.
- C. SPECIFIC DUTIES
1. No member of the Grand Rapids Police Department shall
 - a. Coerce, threaten with deportation, or engage in verbal abuse with any person based upon the person's, or the person's family members', actual or perceived immigration status or citizenship.
 - b. Inquire into a person's immigration status when the person is seeking police services, such as filing a police report or calling 911.
 - c. Stop, question, investigate, arrest, search, or detain an individual based solely on:
 - (1) Actual or suspected immigration status; or
 - (2) Actual or suspected violations of federal civil immigration law, including an immigration detainer, administrative immigration warrant, prior deportation

order, or other civil immigration document.

- d. Inquire of any individual about the immigration status of any person, or require any individual to produce any document to prove their immigration status. Exceptions may be made for legitimate law enforcement needs. These may include:
 - (1) Complying with consular notification requirements.
 - (2) Complying with diplomatic or consular immunity requirements.
 - (3) The information is required to be obtained by federal, state, or city law. Examples include background checks and employment requirements.
 - (4) When circumstances of an ongoing criminal investigation make the information relevant to the investigation, and not civil immigration enforcement.
 - e. Request translation services from federal immigration authorities, barring exigent circumstances.
2. Officers may provide assistance to federal immigration authorities when there is an emergency posing an immediate danger to the public safety or to the federal agents.
3. If a non-emergency request is made by federal immigration authorities the department may provide available support services, such as traffic control or peacekeeping efforts, upon approval of the Chief of Police or a Deputy Chief of Police.
4. Investigations Division
- a. Members of the Investigations Division may cooperate with federal immigration authorities in the following ways:
 - (1) Request information when circumstances of an ongoing criminal investigation make the information relevant to the investigation, and not civil immigration enforcement.

- (2) Share officer safety information that may be relevant to a federal immigration officer.

- b. All cooperation under this section shall be via the Chief of Police or a Deputy Chief of Police.

5. Records Unit

- a. Members of the Records Unit may respond to a request from immigration authorities for records about a specific person's criminal history, including previous arrests, convictions, or similar criminal history where permitted by state or federal law.

6. Any other cooperation with federal immigration authorities must be approved by the Chief of Police or a Deputy Chief of Police.

7. Nothing in this policy shall be construed to restrict or prohibit:

- a. Enforcing the criminal laws of this state.
- b. Complying with all applicable federal, state, and local laws.
- c. Complying with a valid judicial warrant or other court order, or responding to any request authorized by a valid judicial warrant or other court order.
- d. Participating with federal authorities in a joint law enforcement taskforce, the primary purpose of which is unrelated to federal civil immigration enforcement.
- e. Sending to, or receiving from, federal immigration authorities information regarding citizenship or immigration status, lawful or unlawful, of any individual. (8 USC 1373, 8 USC 1644).

D. Consular Notification Procedures

1. Officers shall advise arrested/detained foreign nationals of their right to have their consular officials notified, if the officer becomes aware the subject is a foreign national. Notification must be made before:

- a. The foreign national is interrogated or questioned.
 - b. The foreign national is booked into any correctional facility.
2. Officers shall notify corrections staff of the need of consular notification if known.

E. Diplomatic Immunity

1. Foreign nationals with diplomatic immunity are issued an Identification Card by the United States Department of State.
 - a. The degree of immunity is detailed on the back of the ID card.
 - b. Officers shall notify the Watch Commander of contact with any foreign national alleging diplomatic immunity.
 - c. Watch Commanders shall contact the Department of State to verify the immunity status of the foreign national.
- B. When a foreign national alleging diplomatic immunity is involved, and the safety of the public is in imminent danger or it is apparent a crime may otherwise be committed, officers may intervene to the extent necessary to stop such activity.

F. Foreign nationals may be stopped for investigation (Terry Stop) or stopped and cited for traffic violations regardless of diplomatic immunity.

1. A traffic stop is not considered to be an arrest or detention as it relates to diplomatic immunity.
2. An officer shall not permit an individual who is alleging diplomatic immunity to drive, if the officer has reasonable suspicion to believe the foreign national is impaired.