

**TOWN OF NARRAGANSETT  
POLICE DEPARTMENT**

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Memo Topic: Immigration Enforcement

November 19, 2017

This memo has been written to answer some frequently asked questions regarding the practices of the Narragansett Police Department (NPD) in regards to the enforcement of immigration laws. Immigration issues rarely come up in the town of Narragansett. However, given our nation's tumultuous political climate I believe the publishing of this FAQ may reassure the community that the focus of the NPD is on public safety and that immigration enforcement is not a part of the mission of NPD. It is the responsibility of Federal agencies like Immigration and Customs Enforcement (ICE) to administer and enforce federal civil and criminal immigration laws. To state is clearly the NPD does not and will not take upon the responsibilities of the Federal Government to enforce and regulate immigration laws.

**1. Does NPD arrest people for being undocumented immigrants?**

No. Being an undocumented immigrant is a Federal Civil Violation. NPD officers do not have the authority or responsibility for enforcing federal civil laws that regulate an immigrant's status in the United States.

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

No. Under the NPD policy #320.02 entitled, "Bias Based Policing Prohibited", officers may not stop, detain or question a person based solely on the person's suspected immigration status. In addition, federal law restricts a local police officer from stopping an individual based on the perceived immigration status of the person or enforcing federal civil immigration law absent an agreement and delegation of authority by the U.S. Department of Homeland Security. The NPD has no such agreement with Homeland Security and is prohibited by policy from entering into such an agreement.

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

Yes. There are limited circumstances when an undocumented immigrant may have committed a federal crime for improperly entering or re-entering the United States under federal immigration laws. Federal immigration authorities have the primary responsibility to investigate and enforce criminal immigration offenses.

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

Yes. If a NPD officer learns that a suspect has an outstanding federal criminal warrant for an immigration related offense the officer may detain the suspect and arrest the individual pursuant to the warrant issued by a federal judge. Once the suspect is taken into custody,

the NPD will transfer the suspect to federal authorities to appear before a federal magistrate judge.

**5. Does the NPD interview people to determine their immigration status?**

No. The NPD does not interview people to determine their immigration status but an officer may ask an arrestee for his or her place of birth and nationality. This information is required for our booking reports and other documentation to ensure that foreign nationals receive information regarding consular assistance.

**6. Does the NPD notify ICE if a suspect or arrestee has an immigration related criminal arrest warrant?**

Yes. If an NPD officer learns that an arrestee has an outstanding arrest warrant for a criminal violation of federal immigration law, the NPD will notify ICE or the originating agency to determine whether the agency will take custody of the arrestee for criminal prosecution in federal court.

**7. What is a detainer?**

ICE issues detainers to federal, state and local law enforcement agencies to provide notice of its intent to assume custody of a removable alien detained in federal, state or local custody. A detainer requests that the law enforcement agency notify ICE as early as practicable, ideally at least 48 hours, before a removable alien is released from criminal custody and briefly maintain custody of the alien for up to 48 hours to allow DHS to assume custody for removal purposes.

**8. How is an individual placed under a detainer?**

Under ICE policy #10074.2 issued March 24, 2017 and entitled, "Issuance of Immigration Detainers by ICE Immigration Officers" ICE immigration officers shall issue a detainer to the Law Enforcement Agency (LEA) for alien in the LEA's custody after the alien is arrested for a criminal offense and the officer has probable cause to believe that the subject is an alien who is removable from the United States. The policy states that ICE officers shall not issue a detainer for an alien who has been temporarily detained or stopped but not arrested, by another LEA.

**9. Will a detainer be honored by the NPD?**

Yes but only if it is backed by a court order. Specific documentation must be provided by the ICE officer that shows that a final order of removal against the subject has been made before a detainer will be honored. Furthermore the Rhode Island Department of Corrections (RIDOC) will not accept a prisoner for such a detention without said documentation. The specific documents are described in the NPD policy entitled, "Illegal Immigration and Consular Notification".

**10. How long can a person be held on an honored detainer?**

The above described ICE policy states, "ICE immigration officers should assume custody of alien subject as soon as practicable, and as close as possible to the time at which the alien would otherwise have been released by LEA, but in no circumstances more than 48 hours after such time.". ICE officers are required to immediately cancel the detainer

when it becomes apparent that they cannot assume custody of the alien within 48 hours of when he or she would otherwise be released.

**11. Does the NPD allow ICE Personnel to interview arrestees at our holding facility?**

Yes, but only if the arrestee consents to the interview. This process is consistent with interview requests made by any local, state or federal law enforcement agency.


**12. Does the NPD maintain records that reflect the immigration status of an arrestee, witness or victim?**

The NPD does not routinely request or record the immigration status of victims, witnesses or arrestees unless it is related to an ongoing criminal investigation or if such information is provided to the NPD by an outside agency. For example, if an undocumented immigrant was the victim of a hate crime due to their immigration status then this information would be documented in the investigative record.

All people in our community can expect professionalism from the Narragansett Police Department and feel reassured in the knowledge that we shall not stray from the following mission statement.

The mission of the Narragansett Police Department is to enforce the laws and ordinances of our state and town with commitment to core values of honesty, integrity, dignity and excellence to promote a feeling of safety and security for all members of our community. We strive to be known as a true partner and stakeholder in our desire to make Narragansett a vibrant town supporting families, culture, tourism, academics, the arts, and our environment.

Respectfully,



Chief Sean Corrigan  
Narragansett Police