



BY ORDER OF THE CHIEF OF POLICE

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TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: <b>Manual Revision – 9-401 Police Authority in Immigration Matters</b>			APPROVED BY: <i>Chief O'Hara</i>

MP-8806

**Introduction:** This policy was updated to add more clarity for members and to incorporate suggestions from members and the community.

Effective with the issuance of this Special Order, Section 9-401 of the MPD Policy and Procedure Manual shall be amended as follows:

**9-401 Police Authority in Immigration Matters**  
(05/29/02) (04/02/18) (01/16/25) (02/26/25) (12/04/25)

**I. Purpose**

The Minneapolis Police Department (MPD) is committed to fostering trust and collaboration with all people in the city, regardless of race, religion, sexual orientation, national origin, ethnicity, or immigration status. Minneapolis is home to a diverse and vibrant community, and the Department values and celebrates this diversity as a source of strength.

A. ~~The~~MPD recognizes the fear of deportation prevents some undocumented community members from reporting, interacting, and cooperating with law enforcement. ~~The~~MPD is dedicated to community policing as a means of reducing crime while building community trust. Therefore, ~~the~~MPD ~~shall~~will investigate criminal activity without regard to a person's actual or perceived immigration status. Doing otherwise would have a chilling effect on our ability to provide public safety to our community.

B. ~~The~~MPD ensures that immigration status will never impede access to law enforcement services and is dedicated to providing equitable, bias-free service to all members of the community. Protecting the safety and civil rights of every community member remains the core mission of ~~the~~MPD.

C. ~~Members might be dispatched to calls for service in incidents that could ultimately involve federal immigration enforcement. Such incidents may include, but are not limited to, reports of possible kidnappings, suspicious person calls, people refusing to provide identification, or situations involving tension between law enforcement and the community. In these situations, members are expected to act in a fair, transparent, and impartial manner to uphold public safety and maintain community trust.~~

D. The City of Minneapolis and the MPD work cooperatively with state and federal agencies to further public safety and criminal investigations, but do not operate programs for the purpose of enforcing federal immigration laws. The enforcement of civil and criminal federal immigration laws falls exclusively within the authority of the federal government and not the MPD. The United States Code, 8 U.S.C. §1101, empowers federal agencies such as the U.S. Citizenship and Immigration Services (USCIS), and Immigration and Customs Enforcement (ICE), and the Department of Homeland Security, as the sole authorities in immigration matters. MPD does not have jurisdiction or authority over matters pertaining to the federal government. The federal government has no obligation to, and often does not inform MPD of their activities in the city.

This policy applies the requirements of the Separation Ordinance (Minneapolis Ordinance Chapter 19).

## II. Policy

### A. No Actions to Determine Immigration Status

Members shall not initiate actions to determine, verify, or detect a person's immigration status, including but not limited to questioning any person about their immigration status, subject to the narrow exceptions stated below (see Exceptions for Determining Immigration Status in [II-B]). (City of Minneapolis Ordinance §19.30 (a)(3)). This includes, but is not limited to:

- Questioning a person about their immigration status.
- Stopping or detaining a person solely for the purpose of determining their immigration status.

### B. Exceptions for Determining Immigration Status

#### 1. Human trafficking or smuggling

Members shall may only initiate the actions above inquiries related to immigration status when specifically enforcing laws in which immigration status is an element of the crime, such as relating to human trafficking and or smuggling where immigration status is an element of the crime.

- a. a- When questioning, arresting, or detaining any person under this exception, the member shall articulate and document the reason the member believes the exception applies.

#### 2. Criminal investigations also involving civil violations

Nothing in tThis policy shalldoes not prohibit members from assisting federal law enforcement officers in the investigation of criminal activity involving people present in the United States who may also be in violation of federal civil immigration laws in accordance with City of Minneapolis Ordinance §19.30 (a)(4).

Example: A person wanted for robbery who also has a civil immigration warrant for overstaying a visa. In that example, members would arrest the person for the robbery, but not for the civil immigration warrant.

- a. If a member determines they no longer have probable cause (PC) or reasonable articulable suspicion (RAS) to detain the person for criminal activity, the member shall release the person.
- b. Accordingly, members shall not detain people for potential criminal activity for the benefit of federal agents investigating civil immigration law.

### C. No Documentation of Immigration Status

If immigration status is uncovered inadvertently and is not related to human trafficking or smuggling, or to a situation where the victim was targeted, threatened, or harassed because of their perceived immigration status, members shall not mention the person's immigration status in reports or similar documentation. If related to situation where the victim is being targeted, threatened, or harassed, members should ask the victim if they are comfortable with their status being included in the narrative of the report.

### H.III. Procedures/Regulations

~~A. The MPD recognizes the fear of deportation prevents some undocumented community members from reporting, interacting, and cooperating with law enforcement. The MPD is dedicated to community policing as a means of reducing crime while building community trust. Therefore, the MPD shall investigate criminal activity without regard to a person's actual or perceived immigration status. Doing otherwise would have a chilling effect on our ability to provide public safety to our community.~~

~~B. The MPD works cooperatively with all federal agencies, but the MPD does not operate its programs for the purpose of enforcing federal immigration laws.~~

~~1. The enforcement of civil and criminal federal immigration laws falls exclusively within the authority of the federal government and not the MPD. The United States Code, 8 U.S.C. §1101, empowers the U.S. Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE), Department of Homeland Security, as the sole authority in immigration matters.~~

~~C. Members shall not initiate actions to determine, verify or detect a person's immigration status, including but not limited to questioning any person about their immigration status, subject to the narrow exception stated below. (City of Minneapolis Ordinance §19.30 (a)(3))~~

~~1. Members shall only initiate the actions above when specifically enforcing laws relating to human trafficking and smuggling where immigration status is an element of the crime.~~

~~a. When questioning, arresting, or detaining any person under this exception, the member shall articulate and document the reason the member believes the exception applies.~~

~~2. Nothing in this policy shall prohibit members from assisting federal law enforcement officers in the investigation of criminal activity involving people present in the United States who may also be in violation of federal civil immigration laws in accordance with City of Minneapolis Ordinance §19.30 (a)(4).~~

### A. Separation from Immigration Enforcement Activities

1. MPD members, including those who are involved with federal task forces, shall not participate in immigration enforcement.
2. Members shall not provide information to immigration enforcement agents for the purpose of locating a person solely for civil immigration enforcement actions, including information that an arrest has occurred and personally identifying information such as addresses, locations of employment, or schools being attended.
3. Members shall not assist in the removal or transportation of people in immigration enforcement proceedings.
4. Members shall not self-deploy to any immigration enforcement-related events.
5. Members shall not participate in detaining people based solely on immigration status or assist in any civil immigration enforcement actions.
  - a. If members encounter immigration agents during the course of their duties, they must remain focused strictly on the criminal, non-immigration aspects of the incident and avoid involvement in immigration-related activities. Members shall activate their body worn cameras (BWCs) when required by P&P 4-223.

However, if a situation arises where federal agents, including immigration officers, are being assaulted, or if there is a clear and immediate threat to life, serious injury, or destruction of property, members are expected to take appropriate action to maintain public safety and restore order. This response is not an endorsement of immigration enforcement, but a duty to uphold peace and protect all people from harm.
6. Members shall not interfere with or obstruct lawful federal immigration enforcement.
  - a. If members encounter people taking immigration enforcement action who are not readily identifiable as federal agents, members should, when safe and practical to do so, attempt to verify the credentials of the on-scene federal lead-agent, supervisor, or agent in charge, and capture the verification process on their BWC.

Examples of credentials could include a badge, an employee ID, uniform or uniform patches.

    - i. Members shall take appropriate enforcement action if they determine a person is not a legitimate federal enforcement officer. Such actions may include detaining or arresting the person for impersonating a peace officer.

- ii. If the person who is not readily identifiable as a federal agent refuses to provide credentials, members shall notify their supervisor, and the supervisor shall respond to the scene. The supervisor shall contact dispatch to request information from the likely federal agency that might assist in verifying the agents' status.
    - iii. If it is an apparent impersonation of a law enforcement officer or another apparent crime, members shall take appropriate law enforcement action.
  7. Members shall document and report all incidents where suspected federal enforcement activity involves apparent excessive force or other suspected civil rights violations.
    - a. Members shall immediately notify their supervisor, and the supervisor shall immediately notify the Bureau Chief of Internal Affairs and the Chief of Police.
    - b. The member who witnessed the incident shall document the conduct with an INFO report and send the case number to their supervisor.
    - c. Upon request, members should cooperate with misconduct investigations of federal agents.
  8. To ensure proper oversight and appropriate response to incidents, supervisors shall respond to calls for service that potentially involve federal civil immigration enforcement, or when requested by a member.
  9. Members shall not rely on federal agencies to provide translation services and shall secure any necessary services in accordance with P&P 7-1001 Limited English Language Proficiency.

## **B. Response to Public Gatherings Related to Immigration Enforcement**

1. MPD will treat any crowd forming in response to federal immigration enforcement and other immigration-related protests the same as any other First Amendment-protected event.
2. MPD members shall not provide crowd management solely at the request of immigration enforcement agencies; members shall only assist with crowd control to maintain peace and enforce state and local laws.
3. Members may respond when necessary due to threats of violence, actual violence, life-threatening situations, or destruction of property, in order to protect the community (and in accordance with P&P 7-805).
  - a. If members respond and find that there are no threats of violence, actual violence, life-threatening situations, or destruction of property, the members shall clear from the scene and return to service.
4. If there is no clear and immediate threat to life, serious injury, or destruction of property, members shall **not** do the following for immigration enforcement activities:
  - Escort federal immigration agents to enforcement locations.

- Close streets when there are no traffic or public safety issues.
- Use or allow use of Department facilities (including parking lots and garages) or equipment.
- Conduct crowd control when members of the public are peacefully assembling and exercising First Amendment rights, when no threat to public safety exists.

### **C. Duty to Intervene**

When it is apparent to a member that federal agents are acting in an obviously unlawful manner or are taking actions the member knows are clearly beyond what is reasonable in fulfilling lawful duties, members shall verbally or physically intervene when they have a reasonable and safe opportunity to do so.

Examples could include kicking or punching a person in the head when they are compliant or passively resisting, shooting an unarmed person who is not posing a threat, etc.

### **D. Notification Requirements**

1. If federal immigration authorities seek MPD involvement, or members learn that immigration officials are operating within any area of the city:
  - a. The member shall notify their supervisor regarding the immigration-related activities, and the supervisor shall notify the Chief, the Watch Commander, and rest of their chain of command. If the member is a supervisor, they may make the notifications themselves.
2. Unless the incident is an emergency involving violence, threats of violence, or a life-threatening situation, or there is destruction of property, the Chief of Police must give approval before any action is taken. If action is taken because of an emergency circumstance, notification to the Chief of Police should be made as soon as possible.
  - a. Any actions taken must be lawful, necessary, fully consistent with both MPD policy and the Separation Ordinance, regardless of a person's immigration status.

### **E. Separation from Alerts, Detainers, and Non-Criminal Warrants**

~~3.~~ Members are prohibited from stopping, detaining, or taking law enforcement action against a person, vehicle, business, or residence on the sole basis of civil administrative immigration alerts, detainers, or civil (non-criminal) warrants.

~~b.1.~~ Local police do not have the authority to take law enforcement action for federal administrative civil warrants.

~~e.2.~~ If a person is found to have a National Crime Information Center (NCIC) hit, members shall verify the hit is not solely for an administrative ICE warrant prior to taking any action.

~~e.3.~~ Members shall not arrest or detain a person solely based on an administrative (ICE) warrant. ~~This does not prevent members from taking law enforcement action on unrelated crimes, detainers, or non-criminal warrants.~~

Examples of the language seen in NCIC administrative ICE warrants:

#### **Deported Felon**

Warning Regarding Following Record- Subject of NIC/N307770847 is a previously deported felon. Contact LESC at (877) 999-5372 for immediate hit confirmation and availability of Bureau of Immigration and Customs Enforcement Detainer.

#### **Absconder**

Warning Regarding Follow Record – Subject of NIC/N307770847 has an outstanding administrative warrant of removal from the United States. Contact LESC at (877) 999-5372 removal from the United States. Contact LESC at (877) 999-5372 for immediate hit confirmation and availability of Bureau of Immigration and Customs Enforcement Detainer.

a. This does not prevent members from taking law enforcement action on unrelated crimes, detainers, or civil (non-criminal) warrants.

~~e.4.~~ MPD does not have a municipal jail and cannot house undocumented people, even if requested.

### **F. Identification Cards of Foreign Nationals**

~~D.~~ Identification card of foreign nations may include, but are not limited to:

- Foreign government-issued identification cards, such as passports.
- Consular identification cards.
- National ID cards.

1. Members shall take reports for missing, lost or stolen identification cards of foreign nationals in accordance with P&P 4-600 Specific Report Policies and Procedures.

2. Members shall not seize identification cards of foreign nationals, except when pursuant to a criminal investigation and in accordance with MPD policy and law.

### **G. Communicating With the Public about Immigration Enforcement**

Members are encouraged to explain this policy and its requirements to members of the public, in a respectful manner that does not discredit the Department or the City. This could include explaining that MPD does not collect or communicate information about immigration status. Members are encouraged to explain how to find this policy online.