



IMMIGRATION CONSIDERATIONS IN A COMPLEX LAW ENFORCEMENT ENVIRONMENT

The issue of immigration and immigration enforcement is a highly discussed topic in the media, and it is unclear what impact this will have in New Jersey. There may be no changes in this state. Still, the Chief of Police must evaluate their current applicable policies, training capabilities, resources, and other critical areas. Even if there are no changes, all officers must be aware of the current procedures concerning the immigrant community.

The New Jersey Attorney General has previously directed that New Jersey State and local law enforcement officers are not responsible for enforcing civil immigration violations except in narrowly defined circumstances. Other states might likely involve local law enforcement in immigration enforcement, and it is incumbent upon the Chief of Police to ensure that officers understand that what officers are permitted to do in another state is not allowed in New Jersey at the current time. Chiefs of police should ensure that the primary mission and the purpose of the police department are not compromised by the voluntary assumption of immigrant members of the community and the officers from the agency themselves concerning their responsibilities in the State of New Jersey.

Language barriers, fear of deportation, past negative experiences with law enforcement, and any failure of an officer to abide by the requirements and restrictions in New Jersey can hinder the development of trust. Furthermore, an officer who violates the rights of others, including immigrants, will likely be subject to criminal, civil, or other disciplinary action, including adverse licensure actions. For these many reasons, the Chief of Police must decisively reinforce the State of New Jersey's position on immigration.

The Chief of Police should review the below action themes and mitigation considerations:

Risk Assessment and Mitigation Strategies:

- Read the New Jersey Attorney General Directive 2018-6, v2.0, [Strengthening Trust Between Law Enforcement and Immigrant Communities](#).
- Ensure the agency has a policy dedicated to meeting the requirements of NJAG 2018-6, which the directive requires. Discuss the current agency policy with the municipal attorney and elected officials so they understand the current role of local law enforcement in New Jersey. A sample policy is available [here](#) that can be used to help facilitate a discussion in combination with the recommended considerations and resources in this bulletin.
- Review the agency's racial profiling or bias-free policing policy and update it as necessary. NJAG 2018-6 explicitly addresses the prohibitions concerning racial profiling, and this area must be reinforced.
- Develop a training program or modify an existing one that reinforces the many requirements of NJAG 2018-6. Some specific but not limited considerations:
 - Emphasize the prohibitions concerning stopping, questioning, arresting, searching, or detaining an immigrant based solely on actual, suspected citizenship or immigration status or actual or suspected violations of federal immigration law.
 - The difference between a "judicial warrant" and an "immigrant detainer."

- The inquiring about the immigration status of an individual except when permitted.
 - The specified limitations on assisting federal immigration authorities in enforcing federal civil immigration law.
 - The prohibition against providing non-public personal identifying information regarding any individual and the specific definition of what that information entails.
 - The prohibition of access in certain circumstances to detained individuals for an interview unless a detainee signs written consent.
 - The limited circumstances concerning when law enforcement may provide notice of a detainee's release from custody.
 - The length of time restrictions for detention concerning a civil immigration detainer request.
 - The agency established procedures concerning requests for "T" and "U" visa certifications for certain witnesses, crime victims, and victims of human trafficking.
- Review the assignments and agreements of agency personnel assigned to any federal law enforcement task forces to ensure and clarify their role concerning immigration.
 - Ensure that information concerning procedures for visa certifications is posted on the agency website as required by NJAG 2018-6.
 - Review agency past annual reports documenting when they assisted federal immigration authorities. Such reporting is required by NJAG 2018-6. Evaluate the need to modify the agency data collection and reporting process as necessary.
 - Discuss the current state of local law enforcement in New Jersey with local elected officials and provide regular updates concerning any changes occurring.

Communication:

In an increasingly diverse society, the police should maintain positive and constructive relationships with all community members, including immigrants. Effective communication and mutual respect are essential in fostering trust and ensuring public safety for everyone. Some considerations in fostering communication:

- Evaluate the agency's multicultural training programs and update them as appropriate.
- Develop or reinforce partnerships with community groups, local religious institutions, and non-governmental organizations, emphasizing those who serve the immigrant community.
- Evaluate the agency's website and ensure forms are available to the public in multiple or required languages.
- Evaluate the agency's media relations policy to determine what identifiers are permitted concerning a person's race, ethnicity, resident status, etc. Update the policy as appropriate and ensure consistency by all authorized personnel when releasing information to the media or posting it on the agency's social media platforms.

Building Trust:

By working closely with organizations that support immigrants, the police can better understand the community's needs and provide tailored services. If local police are perceived as de facto immigration agents, some crime victims and witnesses will become reluctant to contact the police, which makes the job of investigating crimes more difficult. Some considerations:

- Host or direct community members to attend joint initiatives such as community workshops, legal assistance, cultural advisory boards, and language support programs.

- Ensure community members know that in New Jersey, law enforcement officers' law enforcement duties differ from those of federal immigration authorities.
- Designating an officer with the role of an "immigrant liaison" who, in addition to their other law enforcement duties, is also tasked with assisting members of immigrant communities. This officer should have a strong working knowledge of NJAG 2018-6, the agency's Immigration Policy, and stay abreast of the most contemporary issues concerning immigration and law enforcement.
- Consider publishing department flyers, announcements, newsletters, and social media posts in other languages, as appropriate.

Building Partnerships:

- Collaborate with non-governmental organizations such as social service providers to help fill resource gaps and act as a conduit for engagement and building trust.
- Develop partnerships with local officials such as building inspectors, fire officials, OSHA representatives, and code enforcement officers to help ensure community members are not living or working in an unsuitable or unsafe environment. Guide patrol officers concerning the appropriate reporting procedures when encountering such conditions.
- Evaluate the feasibility of starting a volunteer interpreter program.

Crime and Safety Considerations:

When members of communities fear the police, very little information might be shared with officers, undermining the police's capacity for crime control. When this occurs, there becomes breeding grounds for drug and human trafficking, terrorist activity, robbery, bias offenses, domestic violence, child abuse, and other serious crimes. Some considerations:

- Conduct an analysis to determine if there are high-frequency locations of crime involving those that had language barriers, immigrant or minority communities where frequent incidents of bias crimes develop, and strategies to mitigate these potential crime risks.
- Ensure officers understand the human trafficking statutes in the state of New Jersey and available protections for victims of human trafficking.
- Review the agency's bias crime procedures and update them as necessary. Ensure officers assigned to these crimes have adequate training. A sample policy is available.
- Recommend and reinforce crime prevention strategies to the community, such as utilizing designated safe-exchange zones, locking vehicles, installing cameras and lighting, and reporting suspicious activity.
- Although it is unclear if there will be changes to New Jersey's approach to immigration, local law enforcement should be scanning for potential needs in the event of change. Many law enforcement agencies' staffing resources are strained, and if officers are one day required to be involved in more direct immigration-related duties, it is imperative to conduct some strategic forecasting and planning of what resources might be needed to ensure the agency can continue to provide everyday law enforcement services.

- Engage in a campaign to inform the community of the harm of domestic violence, the availability of resources, and the protections available to all victims.
- Ensure appropriate agency procedures and training are in place to recognize potential financial fraud and theft identity cases, especially those involving members of the minority community or foreign languages.

Training:

- Reinforce the need for all agency personnel to complete child abuse training and utilize the [MEL Protection and Safe Treatment of Minors](#) resources and training program.
- Provide cultural awareness training for officers.
- Ensure SROs understand their role and prepare them to best handle questions from school officials, educators, parents, and students, perhaps very young students, on fears that school students or students' parents will be deported.
- Ensure all personnel, including dispatch personnel, receive training on handling calls for service that involve reports of persons gathering that appear to be "immigrants." It is possible that local community residents will see police operations targeting groups of minorities in other states and feel that the same action should take place in their community. Agencies should begin to prepare all agency personnel to handle such situations in the best way possible.
- Reinforce the requirement for officers to intervene during any inappropriate or unlawful force, but also stress the appropriate action that should be taken when another officer or agency employee is aware that an officer is inappropriately stopping a person based on their race, suspected citizenship, or immigration status, or in some other way that violates a person's civil rights.
- Direct those who review body cameras to ensure they understand the racial profiling policy clearly and the prohibitions detailed in NJAG 2018-6.

Wellness:

- Ensure that bilingual officers are not overburdened and develop wellness strategies specific to their vulnerability of possibly dealing with distressed immigrant populations more frequently than others.
- Discuss with those responsible for the agency wellness program the possibility that some officers or agency employees might live with mixed families, which could include family members who are undocumented who may feel exasperated or conflicted with the issue of immigration and law enforcement.

Sources and Resources:

[Building Trust with Immigrant Communities - Best Practices for Law Enforcement Agencies in Smaller Cities and Towns](#)

[Law Enforcement Immigration Task Force](#)

[How Law Enforcement Can Better Engage Immigrant Communities – Police Executive Research Forum \(2024\)](#)

[Strengthening Relationships Between Police and Immigrant Communities in a Complex Political Environment](#)

[The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties - The Police Foundation](#)

If you have any questions, please contact your Law Enforcement Risk Control Consultant.