

General Order Manual

Decatur Police Department

Chapter 7 - FORCE, DETENTION AND ARREST

Section 03-d - Immigration Status

The Decatur Police Department shall not hold or extend the detention of any person at the request of U.S. Immigration and Customs Enforcement (ICE) unless the agency first presents the Decatur Police Department with a judicially issued warrant authorizing such detention.

In particular, the Decatur Police Department shall not arrest, hold, extend the detention of, transfer custody of, or transport anyone solely on the basis of an immigration detainer or an administrative immigration warrant, including an administrative immigration warrant in the National Crime Information Center (NCIC) database.

Any person arrested by the Decatur Police Department and charged with a crime that occurred in the City of Decatur shall be transported to the DeKalb County Jail. An officer who arrests a person on another agency's warrant must verify the validity of the warrant. Once the validity of the warrant has been confirmed, the person shall be transported to the DeKalb County Jail. This procedure pertains to all persons that are arrested on a valid warrant from any local, State or Federal law enforcement agency.

Since the Decatur Police Department does not have a facility to house an arrested person, the Decatur Police Department will not hold a person for additional time beyond when the criminal matter allows release solely to notify ICE of the person's release or to facilitate the transfer of the person to ICE.

The Decatur Police Department does not make the assumption that a detainer or request for notification from ICE is an indication that a person is unlawfully present. That is for other law enforcement agencies and the court system to determine.

The Decatur Police Department shall not treat a detainer or request for notification as an indication that an individual is unlawfully present.

Since the Decatur Police Department does not have a facility to house an arrested person, it will be the responsibility of the DeKalb County Jail to assure that ICE notifies the person's attorney and provides a reasonable opportunity for the person's attorney to be present during an interview.

Any officer determined to have violated this General Order is subject to disciplinary action.