



September 11, 2018

Chief John Papasodora  
President  
Alaska Association of Chiefs of Police  
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Seward, AK 99664

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Nils Andreassen  
Executive Director  
Alaska Municipal League  
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**Re: Municipal liability for enforcing federal immigration law**

Dear Chief Papasodora and Mr. Andreassen:

As you may recall, in March the American Civil Liberties Union of Alaska Foundation sued the Palmer Police Department for unlawfully arresting our client for allegedly violating federal civil immigration law. We write today to inform you and your members that Palmer settled our lawsuit.

For the illegal actions of its police officers, the City of Palmer paid our client \$50,000, gave him a written apology for the “inconvenience, embarrassment, or personal hardship” Palmer’s illegal arrest caused him, and it made the following changes to the attached Palmer Police Department’s Standard Operating Procedures dealing with immigration warrants and detainees:

- Direction that an Immigration and Customs Enforcement, or ICE, warrant shall be treated as administrative and not a criminal warrant unless the warrant is signed by a neutral magistrate or judge.
- Acknowledgment that the Palmer Police Department values the diverse population of the community it serves.
- Acknowledgment that unauthorized presence in the United States is not a crime and enforcement of civil violations of unlawful presence is reserved for ICE.
- Express statement that officers shall not stop or detain an individual based on the knowledge or suspicion that the person is in the United States without authorization.
- Recognition that the following ICE detainer and hold requests are never criminal and require no analysis to determine that they are administrative: I-200, I-203, I-205, I-247.

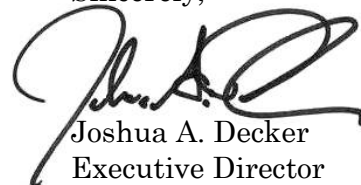
Enforcing federal civil immigration law is not a job for local police departments or municipalities. Our lawsuit is part of a growing mosaic of cases in which local governments

are held liable for unlawfully arresting and detaining people for unconstitutionally attempting to enforce federal immigration law.<sup>1</sup>

Municipalities that attempt to enforce federal immigration law not only expose themselves to legal liability, but they undermine community policing, which requires trust and engagement between police officers and the people they protect. If immigrant communities fear that local police will enforce federal immigration law—which is exclusively the province of the federal government—they will be less likely to trust and cooperate with local police, and everyone—especially local police—will suffer.

We request that you share this letter and the attached Palmer Police Department policy with your members and that they in turn review their policies with their rank and file officers. We trust that they will learn from Palmer’s mistake and will not expose themselves—and individual police officers—to legal liability by attempting to enforce federal immigration law.

Sincerely,



Joshua A. Decker  
Executive Director

Att.: Palmer Police Department’s revised policy

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<sup>1</sup> Examples include:

- \$127,373 paid: *Miranda-Olivares v. Clackamas Co.*, No. 3:12-cv-02317-ST, 2014 WL 1414305 (D. Or. Apr. 11, 2014);
- \$95,000 paid: *Galarza v. Szalczyk*, 745 F.3d 634 (3rd Cir. 2014);
- \$75,000 paid: *Uroza v. Salt Lake Cty.*, No. 2:11-cv-713-DAK, 2013 WL 653968 (D. Utah Feb. 21, 2013).

**PALMER POLICE DEPARTMENT**  
**Standard Operating Procedures**

**SUBJECT: Immigration Warrants and Detainers**

The Palmer Police Department is committed to preserving public safety by enforcing local, state, and federal criminal statutes. While doing so, care must always be taken to respect and defend the Constitutional rights of every individual an officer may interact with. The Palmer Police Department values the diverse population of the community it serves. It must be remembered that certain Federal immigration statutes are administrative in nature and not actually criminal offenses. As such, the following standard operating procedure is to be followed:

**PROCEDURE**

A. Immigration (ICE) Detainers and Warrants:

1. As part of routine patrol operations, officers generally shall not inquire as to the immigration status of individuals they contact. Officers shall not stop or detain an individual based solely on the knowledge or suspicion that the person is in the United States without authorization.
2. If an officer encounters a detainer or warrant issued by Immigration and Customs Enforcement (ICE), the officer will determine if the detainer or warrant is criminal or administrative. Resources to consider in making this decision include, but are not limited to: Contact numbers provided for ICE on the detainer or warrant, calling officer's immediate supervisor, inquiring of the on-call district attorney, or calling the commander or chief of police.
3. A warrant issued by ICE shall be treated as administrative and not criminal unless the warrant is signed by a neutral magistrate or judge. Current ICE detainer and hold warrants that are administrative and not criminal include, but are not limited to, I-247 (immigration detainer), I-203 (order to detain), I-200 (warrant for arrest of alien), and I-205 (warrant for removal/deportation).
4. If the ICE detainer or warrant is determined to be administrative or otherwise non-criminal, officers will not detain or arrest the subject on the basis of the ICE detainer or warrant alone. Unless the subject of the ICE administrative action has committed a crime or is the subject of a criminal warrant, officers shall release them and inform ICE officials of the circumstances of the contact.
5. Enforcement of civil violations of unlawful presence is reserved for ICE. Officers are still expected to enforce criminal warrants or act on criminal activity in accordance with department policy, city code, Alaska statute, or federal law.