

**CITY OF CONCORD POLICE DEPARTMENT
CONCORD, NEW HAMPSHIRE**

GENERAL ORDER	NUMBER: 1-12
SUBJECT: MANAGEMENT OF UNDOCUMENTED INDIVIDUALS	
DISTRIBUTION: A	EFFECTIVE DATE: 02/18/25

I. PURPOSE:

To provide guidelines for the management of undocumented individuals who come into contact with police officers.

II. POLICY:

It is the policy of the Concord Police Department to continuously strive to improve the quality of life in our community by implementing strategies to reduce crime whether committed by citizens, visitors, and/or undocumented individuals.

Federal immigration laws are complicated in that they involve both civil and criminal aspects. The immigration status of any particular person can vary greatly and whether they are in violation of the federal immigration regulations, whether criminally or civilly, can be very difficult to determine without special expertise. The responsibility for enforcement of immigration laws rests with the United States Immigration and Customs Enforcement (ICE).

The Concord Police Department is committed to partnering with federal agencies and others to the extent allowable under federal, state, and local laws to address criminal activity within our community. This practice is consistent with our duty to ensure the safety and well-being of all persons, regardless of immigration status.

III. RESPONSIBILITY:

It is the responsibility of all members of the Concord Police Department to become familiar with the procedures listed below and to comply with the contents of this General Order.

IV. DEFINITIONS:

For the purposes of this policy, the term undocumented individual is used and may be considered synonymous with the current terminology used by the Executive Office for Immigration Review such as alien, undocumented alien, or illegal alien.

V. PROCEDURES:

Concord Police officers shall not initiate police actions with the primary objective of discovering the immigration status of an individual. An officer is prohibited from stopping, detaining, and/or arresting a person to solely investigate immigration status in

the absence of probable cause of an independent state criminal law violation or a violation of city ordinances.

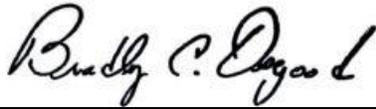
- A. If an officer should come into contact with a suspected undocumented individual as the result of a violation of state statute or city ordinance, that individual shall be treated as any other criminal suspect and availed the same rights and privileges as any other suspect.
- B. Generally, officers will not detain, arrest, or take enforcement action against a person solely because he/she is suspected of being an undocumented individual. When an officer has reasonable suspicion that a suspect has violated a state statute or city ordinance, he or she shall take reasonable steps to establish the individual's identity through the production of valid identification. An officer will make inquiries about an individual's citizenship or immigration status only when:
 1. There are reasonable grounds to believe the individual possesses or should possess immigrant credentials; and
 2. The individual's identity has not been proven through other satisfactory means; and
 3. The individual's identity is relevant to the investigation; or
 4. The individual meets the criteria listed in Section D of this general order.
- C. If an individual's identity is established to the satisfaction of the officer and that individual would otherwise be issued a summons or citation, the individual shall be released regardless of immigration status.
- D. If an officer believes an individual arrested is also an undocumented individual, the arresting officer may notify ICE so that they may consider placing an immigration hold on the individual under the following circumstances:
 1. The individual was arrested for a felony.
 2. The individual was arrested for a misdemeanor involving violence or a misdemeanor that poses a threat to public safety.
 3. The individual arrested is a previously deported undocumented individual.
 4. The individual is in NCIC as an individual actively wanted by ICE for violating immigration law.
- E. A notification to ICE that does not fall within the above-referenced circumstances may also be provided only with the approval of the Watch Commander, who shall first seek authorization from a Deputy Police Chief or the Police Chief, when

deemed appropriate. Such notification may occur, for example, in cases where the suspected individual has been accused of a crime set forth in the Laken Riley Act ([8 U.S.C. 1226\(c\)](#)).

- F. When an officer encounters an undocumented individual of national security concern who has been listed in NCIC for violating immigration law, federal law permits the officer to arrest that individual and transfer him/her to the custody of ICE. If an officer has reasonable suspicion to believe that an individual poses a credible threat to national security, the officer shall detain the individual for identification purposes and inform the FBI of the threat, regardless of the immigration status of the suspect. If enforcement action is deemed necessary under these circumstances, the approval of the Watch Commander is required.
- G. ICE has sole authority to arrest or place an immigration hold on an individual for a violation of immigration laws.
- H. If ICE requests non-emergency police assistance in an immigration matter, it will be provided only with the approval of the Watch Commander.
- I. All foreign nationals, including undocumented individuals, are entitled to [consular notification and access](#) regardless of their visa or immigration status.
- J. Consistent with the efforts of the Concord Police Department to protect the safety and well-being of the community and to encourage the public to report criminal activity, department members shall not ask an individual about his/her immigration status who is:
 - 1. A victim of a crime;
 - 2. A witness to a crime;
 - 3. A juvenile, unless charged with a felony level crime, a misdemeanor of violence and misdemeanors that pose a threat to public safety. In addition, any officer dealing with an undocumented individual who is a missing child and/or runaway from another country may contact ICE for assistance in returning said juvenile to his/her family or guardian in the other country when appropriate;
 - 4. Stopped and/or cited for a civil traffic violation(s) with a valid driver's license or evidence of identity;
 - 5. Seeking medical assistance;
 - 6. A victim of a domestic violence incident; or
 - 7. A community volunteer.

VII. SUPERSESSION:

This order supersedes all previous written directives and prior practice which may be in conflict with it.



Bradley C. Osgood, Chief of Police

02/18/2025

Date