

RESOLUTION REGARDING CITY POLICIES ON IMMIGRATION ENFORCEMENT

WHEREAS, Mankato's residents rely on the values of the previously enacted Emergency Ordinance to ensure that the law enforcement activity in the city is conducted in a manner that promotes transparency, public confidence, and accountability; and

WHEREAS, the City of Mankato does not conduct immigration enforcement, and its officials and employees shall not enforce federal immigration laws or support federal immigration enforcement except as otherwise required by law; and

WHEREAS, members of Mankato Public Safety will not stop or detain individuals, for any length of time, solely for determining immigration status; enforce civil immigration laws; or wear face coverings to conceal identity during law enforcement actions except for when allowed pursuant to Minn. Stat. 609.735, and

WHEREAS, other than when required by law, the City's public facilities and property, including buildings, parks, and public ways, shall not be used to support federal immigration enforcement, and any application to use such space or obtain a special event permit for said work shall be denied. This prohibition includes, but is not limited to, using city resources to set up a perimeter or otherwise control public areas for enforcement of federal immigration law; and

WHEREAS, the City shall not enter into an agreement under Section 1357(g) of Title 8 of the United States Code or under any other provision of federal law to participate in enforcement of federal immigration laws; and

WHEREAS, the City will not share the data collected by the Automatic License Plate Reader Cameras for federal immigration enforcement purposes; and

WHEREAS, the City does not share Body Worn Camera data, and that data is regulated by Minnesota Statutes 13.82 and 13.825; and

WHEREAS, the City Manager and the City Attorney will proactively monitor legal parameters regarding the Constitutional interplay between local regulations and federal immigration enforcement and will update the Council in the event of significant changes to judicial interpretations.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Mankato does hereby adopt the policies set forth herein and establishes the following directives:

1. Request the Public Safety Advisory Committee review Chapter 414 of the Mankato Department of Public Safety Police Policy; and
2. Share a copy of this resolution with all City Employees to reiterate the City Council's expectations.

This Resolution shall become effective upon its passage and without further publication.

Dated this 10th date of August 2026.

Najwa Massad, Mayor

ATTEST:

Renae Kopischke, City Clerk

Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Mankato Department of Public Safety relating to immigration and interacting with federal immigration officials.

414.2 POLICY

It is the policy of the Mankato Department of Public Safety that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Minnesota constitutions.

414.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

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An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

414.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a county jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

414.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

414.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

414.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

414.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

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Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Division supervisor assigned to oversee the handling of any related case. The Detective Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

414.9 TRAINING

The training coordinator should ensure officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.