



# Helena Police Department – Immigration Law Compliance FAQ

*This document is intended to provide accurate, fact-based information in response to frequently asked questions concerning Helena Police Department operation standards on immigration-related matters.*

## 1. Does HPD participate in the 287(g) program?

No. The Helena Police Department does not participate in the 287(g) program and has no intention of doing so.

## 2. What is the 287(g) program?

The 287(g) program is a U.S. Immigration and Customs Enforcement (ICE) initiative that allows state and local law enforcement agencies to partner with ICE to enforce immigration laws. Participating officers may be deputized to perform immigration enforcement duties under ICE supervision. HPD is not part of this program.

## 3. What is HPD's policy on sharing data with ICE?

Under HPD Policy 415 – Immigration Violations:

- HPD may notify ICE if a detained individual is reasonably suspected of a criminal immigration violation.
- Individuals are not detained solely to determine immigration status.
- In accordance with 8 U.S.C. § 1373, HPD cannot restrict the exchange of immigration status information with other government entities.

## 4. Does CJIN show immigration status?

When a person's identity is checked through the Criminal Justice Information Network (CJIN), immigration status is typically not shown. Officers receive personal identifiers, driving status, criminal history, and warrant information.

## 5. What is HPD's policy regarding ICE administrative warrants?

HPD does not enforce ICE administrative warrants. HPD will follow department policy in addition to local, state, and federal laws as follows:

- Individuals will not be held solely on a federal immigration detainer under 8 CFR 287.7, unless:
- They are charged with a federal crime, or
- The detainer includes a warrant, affidavit of probable cause, or removal order.
- HPD will notify the issuing federal authority prior to release.



#### **6. How does HPD handle ICE detainer requests and release notifications?**

In accordance with § 27-16-801, MCA:

- HPD complies with lawful ICE detainer requests for individuals already in custody, unless credible evidence shows lawful status or U.S. citizenship.
- Individuals are informed if held under a federal immigration detainer.
- Detention under a detainer will not exceed 48 hours (excluding weekends and holidays) beyond the scheduled release time.

#### **7. Has the City of Helena received federal grant funding tied to immigration enforcement?**

No. The City of Helena has not received federal grant funding tied to immigration enforcement cooperation.

#### **8. Does HPD collaborate with ICE or federal prosecutors on nonviolent undocumented cases?**

HPD may provide records to federal prosecutors upon request, following standard interagency procedures.

#### **9. Has HPD been listed in ICE cooperation reports or executive orders?**

No. HPD has not been named in any ICE cooperation reports or executive orders and does not participate in the 287(g) program.

#### **10. Are there sanctuary laws or policies in Helena?**

No. The City of Helena and HPD do not have sanctuary laws or policies.

#### **11. Does HPD assist in immigration enforcement without evidence of illegal activity?**

HPD will provide information on request but does not otherwise coordinate or collaborate with ICE.

#### **12. Can ICE agents operate in Helena without identifying uniforms or vehicles?**

Federal agents operate under federal authority and may operate within city limits without identifiable uniforms or vehicles. HPD and the City of Helena do not grant authority to federal agents.

#### **13. Will HPD assist ICE in deceptive practices?**

No. HPD does not participate in deceptive tactics or false pretenses for immigration enforcement.