
 <input checked="" type="checkbox"/> General Order <input type="checkbox"/> Division Order <input type="checkbox"/> Bureau Order <input type="checkbox"/> Special Order Order No.: 25-006 ----- <input checked="" type="checkbox"/> Procedure <input type="checkbox"/> Plan <input type="checkbox"/> Rule	Iowa Department of Public Safety	
	TITLE/SUBJECT: Enforcement of Immigration Laws and Detainer Orders	IDENTIFIER: 41-02.01
	TO: All Sworn Personnel; DPS Communications Personnel	CC:
	RELATED DIRECTIVES/FORMS: Iowa Code Section 27A	
	APPLICABLE CALEA STANDARD(S):	
	EFFECTIVE DATE: 1/17/2025	REVISION #: 2
	INSTRUCTIONS: See footnote on Page 1.	
APPROVED BY:  Nathan Ludwig, Executive Officer to the Commissioner		DATE: January 17, 2025

I. Purpose

The purpose of this policy is to establish guidance for sworn officers and non-sworn employees relating to the enforcement of immigration laws and detainer orders, consistent with Iowa Code Chapter 27A.

II. Policy

It is the policy of the Department to comply with state and federal law regarding immigration and detainer issues.¹

III. Definitions:

- A. *Immigration detainer request* – As defined by Iowa Code section 27A.1(1), is a written federal government request to a local entity to maintain temporary custody of an alien, including a United States department of homeland security form I-247 or a similar or successor form. “*Immigration detainer request*” includes only written federal government requests that are accompanied by any of the following properly completed forms or similar or successor forms, if such forms or similar or successor forms are signed by an authorized United States immigration and customs enforcement officer:
- United States department of homeland security form I-200.
 - United States department of homeland security form I-205.
- B. *Immigration law* – As defined by Iowa Code section 27A.1(2), is a law of this state or a federal law relating to aliens, immigrants, or immigration, including but not limited to the federal Immigration and Nationality Act, 8 U.S.C. §1101 et seq.

¹ January 10, 2025 Note: The Department is mindful of pending litigation regarding the legality of SF2340, signed into law on April 10, 2024. Enforcement of SF2340 is currently enjoined. The Department will reassess this policy at the completion of the litigation.

- C. *Local entity* -The governing body of a city or county. “*Local entity*” includes an officer or employee of a local entity or a division, department, or other body that is part of a local entity, including but not limited to a sheriff, police department, city attorney, or county attorney.
- D. *Public offense* - excludes a moving traffic violation under chapter 321.

IV. Procedure

- A. Cooperation With Immigration Detainer Requests.

The Department does not own or operate any detention facilities for persons who are charged or convicted of crimes. To the extent that Iowa Code chapter 27A may be interpreted to apply to the Department, the Department will comply to the extent possible with lawful instructions in a detainer request and any other legal document relating to a person that has been arrested by the Department and who is in the process of being transferred to a detention facility.

- B. Enforcement of Federal Immigration Laws.

The Department is a State of Iowa executive branch agency that has primary responsibility for statewide law enforcement and public safety programs that complement and supplement local law enforcement agencies and local inspection services, pursuant to Iowa Code section 7E.5(1)(l) and Iowa Code chapter 80. The Department is authorized by Iowa Code Chapter 80 to perform public safety and law enforcement duties throughout the state. Absent a lawful agreement with an agency of the federal government, the Department of Public Safety lacks jurisdiction to independently enforce federal immigration laws. The Department, however, works with other agencies at the local, state and federal level, and may assist in investigations that are related to or involve individuals who are not United States citizens.

- C. Unbiased Enforcement and Actions.

In the course of their employment, employees of the Department may encounter persons who are citizens of another nation or country who may or may not be lawfully present in the United States. This may include persons who are charged with a crime; persons who are victims of a crime; persons who are witnesses to a crime; or persons who are being investigated or who are encountered in the course of an investigation that the Department has primary jurisdiction to investigate, or when the Department is assisting another agency, or which comes within the other law enforcement or regulatory functions of the Department.

The Department is committed to fair, impartial and unbiased actions regarding the Department’s law enforcement and regulatory functions, and its employees’ interactions with the public and other employees. Unlawful discrimination is prohibited. Authority: Iowa Code section 27A; Iowa Code Chapter 216; Department of Public Safety policies ASD 7, EEO, AA and Anti-Discrimination Policy and 16-01.01, Code of Conduct.

Pursuant to Iowa Code section 27A.7, employees of the Department shall not ask a victim or a witness or a person reporting a public offense for any information, including the victim’s, witness’s or person’s national origin, that is not pertinent to the investigation of the alleged public offense.

- D. Restrictions on Enforcement of Immigration Law Prohibited.

To the extent consistent with the laws and the Constitution of the United States and the laws and Constitution of the State of Iowa, the Department shall not prohibit or discourage a sworn officer or other employee of the Department from doing any of the following:

1. Enforcing immigration laws, if such enforcement is within the jurisdiction and authority of the Iowa Department of Public Safety. The Department has no jurisdiction or authority over federal sworn officers or employees, and does not have any original jurisdiction to enforce federal immigration law.
2. Inquiring about the immigration status of a person under lawful detention or arrest.
3. Doing any of the following with respect to information relating to the immigration status, lawful or unlawful, of any person under lawful detention or under arrest, including information about the person's place of birth:
 - a) sending the information or requesting or receiving the information from United States Citizenship and Immigration Services, United States Immigration and Customs Enforcement, or another relevant federal agency;
 - b) maintaining the information;
 - c) exchanging the information with a local entity or a federal or state governmental entity.
4. Assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance.
5. Permitting a federal immigration officer to enter and conduct enforcement activities at a jail or other detention facility to enforce a federal immigration law.

E. Questions/Contacts

Individuals with questions may contact the ICE Law Enforcement Support Center: (802) 872-6020 (available 24/7) and may access the U.S. ICE "Toolkit for Prosecutors" reference document on PowerDMS.