

IMMIGRATION ENFORCEMENT PROCEDURES	Operations Order 4.48
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1. **GENERAL INFORMATION**

A. Sanctity of Life – The Department respects the dignity of all persons and recognizes the sanctity of human life, rights, and liberty.

AB. The Department shall conduct all immigration enforcement activities in a manner consistent with federal and state laws regulating immigration and protecting the civil rights, privileges, and immunities of all persons.

- This policy will not limit the enforcement of federal and state immigration laws to less than the full extent permitted by federal law.

BC. Officers **will not** arrest, stop, detain, or contact an individual based on race, religion, national origin, gender, sexual orientation, or economic status, unless it is part of a suspect description or otherwise authorized by law.

~~C. The enforcement of state and federal laws related to immigration requires the cooperation of multiple agencies and the consideration of multiple facts and circumstances~~

~~(1) Officers are encouraged to contact supervisors when necessary.~~

~~(2) If at any time, in the sound judgment of an officer, the officer believes that deviation from this policy is appropriate, the officer **must** notify a supervisor (similar to Arizona Revised Statute (ARS) 28-3511 approvals or arrest review):~~

- ~~• Under no circumstances will this provision limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law.~~

~~D. Based on the complexity of the term “border-related,” the use of this term in any official capacity is prohibited.~~

D. Anytime ICE needs to be contacted to verify the immigration status of any person, officers **must first** contact the Violent Crimes Bureau (VCB) desk sergeant, at (602) 262-6141, who will document all immigration related data and give authority to call ICE.

- If the VCB sergeant is not available, officers must call an on-duty sergeant for approval to call ICE.
- A legal advisor will be on-call 24/7 for immigration related questions.

E. There are two situations where officers are mandated by [Arizona Revised Statute \(ARS\) 11-1051](#) to contact the federal government [U.S. Immigration and Customs Enforcement (ICE)] to verify a person’s immigration status:

(1) A person is under ARREST based on probable cause (adult or juvenile) (see section 3 of this order for more information)

- This means ALL persons ARRESTED regardless of lawful status in the United States (U.S.), race, color, national origin, OR presumptive ID; the arrestee shall have their immigration status verified by the federal government prior to release of the arrestee.

(2) When a person is lawfully stopped/detained for a state or local crime AND only when the officer develops further reasonable suspicion the detained person is unlawfully present in the United States (see section 4 of this order for more information)

NOTE: Because victims and witnesses are not arrested or lawfully stopped/detained for purposes of the 4th Amendment, officers **must not** ask about immigration status or call ICE to verify victims’ or witnesses’ immigration status.

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F. Traffic Enforcement (Drivers/Passengers) – Officers must not ask immigration related questions or verify immigration status while conducting traffic enforcement unless required by state law as specified above in sections 1.E.(1) and (2) of this order

~~EG.~~ Officers are cautioned against unnecessarily prolonging stops and detentions to determine a person's **must not** hold a person for longer than the purpose of the original stop to verify immigration status.

~~F.~~ As a reminder, ALL arrests, including immigration arrests, must be reviewed by a supervisor per Operations Orders 4.10, Arrest.

GH. The only time an officer will transport a person to the Department of Homeland Security (DHS) Homeland Security Investigations (HSI) ICE is under one of the following conditions:

(1) HSI ICE verifies the person is wanted for a **criminal immigration** violation AND the person is **NOT** under arrest for a state criminal charge [includes criminal traffic and misdemeanor charges eligible for citation in lieu of detention (CLD)] **there are no state criminal charges.**

(2) The person has a civil immigration violation only and **consents** to a transport.

2. **SCHOOL RESOURCE OFFICERS (SROS)** - The mission of the School Resource Officer (SRO) Program is to foster trust and cooperation when interacting with students and to provide for the overall safety and security of everyone on school campuses.

A. To achieve this mission, the Department has adopted the triad concept of community policing with respect to SRO duties.

B. SROs shall first place emphasis on being educators and mentors and only act as enforcement officers when necessary.

C. SROs **must not** contact ICE for any purposes while on school grounds.

- When off school grounds, the VCB desk sergeant **must be** contacted prior to calling ICE to verify the immigration status of each arrested juvenile or a lawfully stopped/detained juvenile where there is reasonable suspicion there is an immigration violation.

* If the VCB sergeant is not available, officers must call an on-duty sergeant for approval to call ICE.

~~2. STATE IMMIGRATION ENFORCEMENT LAWS~~ - The provisions of Arizona law that address immigration enforcement include the following:

A. ARS 11-1051	Cooperation and assistance in enforcement of the immigration laws; indemnification
B. ARS 13-1307	Sex trafficking; classification; definitions
C. ARS 13-1308	Trafficking of persons for forced labor or services; classification; definitions
D. ARS 13-2317	Money laundering; classifications; definitions
E. ARS 13-2319	Smuggling; classifications; definitions
F. ARS 13-2322	Unlawful transactions involving drop house properties; classifications; definitions
G. ARS 13-2928	Unlawful stopping to hire and pick up passengers for work; unlawful application, solicitation, or employment; classification definitions
H. ARS 28-3511.A.4	Removal and immobilization or impound of vehicle (violations of ARS 13-2929)

3. **DEFINITIONS**

A. Bias-Based Profiling	Selecting a person or persons for enforcement action based on a common trait of the group; this includes, but is not limited to race, ethnic background, cultural group, religion, national origin, gender, age, sexual orientation, or economic status; this includes "racial profiling."
B. Certified 287(g) Officer	State or local officer trained, certified and authorized by the federal government to enforce certain aspects of federal immigration law and subject to ICE approval.

C. Consensual Contact	Voluntary interaction with a person where a reasonable person would clearly understand they are free to leave or decline the officer's request.
D. HSI/CBP/287(g)	Homeland Security Investigations, Customs and Border Protection, or a 287(g) certified officer.
E. Presumptive Identifications (For persons lawfully stopped or detained/not under arrest)	A person is presumed not to be an illegal alien who is unlawfully present in the United States (U.S.) if the person provides to a law enforcement officer or agency any of the following: <ul style="list-style-type: none"> • A valid Arizona driver license • A valid Arizona non-operating identification license • A valid tribal enrollment card or other form of tribal identification • If the entity requires proof of legal presence in the U.S. before issuance; any valid U.S. federal, state, or local government issued identification.
F. Probable Cause to Arrest	Facts and circumstances, and any rational inferences therefrom, that would lead a reasonable and prudent officer to believe a crime has been or is being committed, and the subject to be arrested committed the crime; an officer may arrest based on probable cause.
G. Racial Profiling	The reliance on race, skin color, and/or ethnicity as an indication of criminality, including reasonable suspicion or probable cause, except when part of a suspect description.
H. Reasonable Suspicion	Facts and circumstances, and any rational inferences therefrom, that would lead a reasonable and prudent officer to believe crime is/was afoot (has been, is being, or is about to be committed); the officer need not know the exact nature of the crime; an officer may stop or detain a person based on reasonable suspicion, but may not arrest or search absent probable cause or reasonable suspicion the detained person is armed and dangerous.
I. Stop/Lawful Detention	A temporary detention of a person for investigation (a temporary detention is considered a seizure of a person and is, therefore, governed by the Fourth Amendment); a stop occurs when a reasonable person under the circumstances would believe that he/she is not free to go; a stop must be based on at least reasonable suspicion; a person is stopped when such person submits to a show of authority or physical force.

74. **ARRESTS**

- A. **ALL** arrested persons (adults and juveniles whether booked/detained or **cited in lieu of detention (CLD'd)**/referred and released), regardless of **reasonable suspicion** of lawful status **in the U.S.**, race, color, national origin, or presumptive ID, **shall** have their immigration status verified by the federal government **prior** to the arrestee being released (ARS 11-1051).

NOTE: Presentation by the arrestee of presumptive ID and/or agency identification processes **does not** meet the requirement to verify immigration status **under state law.**

(21) ~~Officers do not need to verify the immigration status of an adult who is to be booked (HSI personnel assigned to~~ **If booking an adult, the Maricopa County Sheriff's Office (MCSO) 4th Avenue Jail will be available after the booking to verify immigration status).**

(12) ~~For adults being issued a Arizona Traffic Ticket and Complaint (ATTC) as~~ **If issuing a CLD to an adult or for all arrested juveniles arrestees [CLD'd, referred and released for a crime, or detained at the Juvenile Court Center (JCC)], the arresting officer will make a reasonable attempt to contact the federal government through HSI/CBP/287(g) to verify the arrestee's immigration status must first contact the VCB desk sergeant, at (602) 262-6141, who will document all immigration related data and give authority to call ICE (if the VCB sergeant is not available officers must call an on-duty sergeant for approval to call ICE)**

NOTE: **Officers must not detain a person solely for determining immigration status longer than completion of the original stop/detention (once the purpose for the original stop/detention is complete or the ATTC/juvenile referral is complete, officers cannot continue detaining the person to verify immigration status).**

- (a) If it can be done safely, officers are encouraged to make every effort to call HSI out of hearing distance from the arrestee and the family especially while on school grounds where the arrestee is a juvenile.
- (b) If HSI/CBP/287(g) does not answer within a reasonable period of time, or HSI/CBP/287(g) is unable to verify the arrestee is unlawfully present, the officer will proceed to handle the arrestee according to Department policy, which may result in the issuance of an ATTC or the completion of the Juvenile Arrest/Referral Worksheet section of the IR for the non-immigration charge/s and the release of the arrestee.
- (c) The fact that HSI/CBP/287(g) cannot verify a person's status does not mean a person is unlawfully or lawfully present in the U.S., and is not the basis for enforcement action.
- (i) If there is reasonable suspicion the person is unlawfully present in the U.S. but the officer is unable to verify immigration status through HSI/CBP/287(g) and the person is issued an ATTC as a CLD for any offense where policy requires an IR, then an IR will be completed following the guidelines outlined in section 4 of this order.

7. A. (1) (c) (ii) If there is reasonable suspicion the person is unlawfully present in the U.S. but the officer is unable to verify immigration status through HSI/CBP/287(g) and the person is issued an ATTC as a CLD for any offense where policy does not require an IR, such as a suspended license, an FI will be completed following the guidelines outlined in section 4 of this order.

(d) Eligibility for issuing an ATTC as a CLD will be established in accordance with Operations Orders 6.2, Arizona Traffic Ticket and Complaint, **unless** federal civil or criminal charges exist as listed in section 6.B or C of this order.

(3) Officers are reminded per Operations Order 4.10, Arrest, prior to booking any adult or detaining any juvenile, officers will review the circumstances of the arrest with a sworn supervisor (this includes any releases or transports to HSI or CBP personnel).

• Under no circumstances will this provision limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law.

B. Citizenship Questions And Documentation After Arrest

(1) All arrested persons shall be asked "What country are you a citizen of?" and "What is your place of birth?"

(a) If the arrestee answers they are a citizen of a country other than the United States, officers will ask the arrested person if they also have dual U.S. citizenship.

• Officers may not ask incriminating follow-up questions unless Miranda rights have been read and a valid waiver obtained.

• Employees must follow the provisions of Operations Order 4.10, Arrest, in notifying the appropriate foreign consulate for persons who are identified as foreign citizens.

(b) If the arrestee states they are not a U.S. citizen and Miranda rights have been read and a valid waiver obtained, officers should ask the following questions with the answers documented in the IR.

• Are you in the United States legally?

• Do you have any registration documents or other proof of lawful presence?

5. CONSENSUAL CONTACTS/STOPS/DETENTIONS

A. Consensual Contacts

(1) State laws related to immigration enforcement neither expand nor limit an officer's ability to approach a person and engage in a voluntary conversation.

(a) During a voluntary conversation, the officer may inquire about any subject matter.

(b) The person contacted does not have to answer questions or produce any identification, but may choose to do so voluntarily.

(c) Officers do not have the authority to demand a person "show their papers."

5. A. (1) (d) If during the contact, the officer develops reasonable suspicion the person has committed, is committing, or is about to commit a crime, then the officer should proceed as directed in section 5.B of this order.

(2) Officers should exercise discretion in making immigration status inquiries during consensual contacts or with victims and witnesses of a crime.

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- In order to avoid perceptions of bias based policing (including racial profiling) during consensual contacts, officers should be consistent in asking persons for their identification.
- (3) In no event shall race, color or national origin play any role in an officer's decision to inquire about immigration status in consensual encounters, unless it is part of a suspect description or otherwise authorized by law.

5B. **Persons Lawfully Stopped Or Detained** **LAWFUL DETENTION AND REASONABLE SUSPICION OF AN IMMIGRATION VIOLATION**

(1)A. If during the course of a lawful stop or detention of a person (detainee), is detained for a violation of any law and during this detention an officer subsequently develops additional reasonable suspicion to believe a detainee is an alien and the detained person is unlawfully present in the U.S., the officer shall make a reasonable attempt to determine the immigration status of the detainee with the federal government through HSI/CBP/287(g) contact ICE and verify the person's immigration status (ARS 11-1051.B).

- Officers cannot use race, color, or national origin as one of the articulable factors to develop reasonable suspicion a person is not lawfully in the U.S.
- Officers have no authority to detain a person **solely** for a civil immigration violation.
- Because victims and witnesses are not considered lawfully detained for purposes of the 4th Amendment, officers are not required under this statute to call ICE and verify immigration status if there is reasonable suspicion a victim or witness is unlawfully present in the U.S.
- Officers **must not** hold a person for longer than the purpose of the original stop to verify immigration status.

B. There are three **EXCEPTIONS** when it is **NOT** necessary to contact ICE to verify immigration status for persons lawfully stopped/detained and there is reasonable suspicion the person is unlawfully present in the U.S.:

(a1) When it is not practicable

- In determining whether it is practicable, officers should consider things such as **For example:** work load, criticality of incident and other present duties, available personnel on scene, location, available back-up, and ability to contact **ICE**.

(b2) When the determination may hinder or obstruct an investigation

- The officer should consider when or whether to investigate immigration status in light of the need for suspect, victim, and witness cooperation in an investigation.
 - * This consideration is not necessarily limited to the investigation for which the person has been detained, such as domestic violence investigations, complex investigations of money laundering, human trafficking, and drug smuggling, which may require significant cooperation of those involved.

(3) When the person provides presumptive identification

- See section 3.E of this order for a list of presumptive identification.

(3) If the detainee presents one of the following types of presumptive identification, it is presumed the detainee is lawfully present in the U.S.

- (a) A valid Arizona driver license
- (b) A valid Arizona non-operating identification license
- (c) A valid tribal enrollment card or other form of tribal identification
- (d) If the entity requires proof of legal presence in the U.S. before issuance; any valid U.S. federal, state, or local government issued identification

- (2). In establishing whether there is reasonable suspicion to believe a person is an alien and unlawfully present in the U.S., an officer shall not consider the detainee person's race, color, or national origin except to the extent that an officer may ask about a person's citizenship, unless it is part of a suspect description or otherwise authorized by law.
5. B. (3) If the detainee presents one of the following types of presumptive identification, it is presumed the detainee is lawfully present in the U.S.:
- A valid Arizona driver license.
 - A valid Arizona non-operating identification license
 - A valid tribal enrollment card or other form of tribal identification
 - If the entity requires proof of legal presence in the U.S. before issuance; any valid U.S. federal, state, or local government issued identification.
- NOTE:** No further investigation into the person's status is necessary, unless there are additional facts that cast doubt on the person's lawful presence.
- Officers are cautioned against unnecessarily prolonging stops and detentions to determine a person's immigration status.
- (4) If reasonable suspicion exists to believe the person is unlawfully present, and if the detainee does not present presumptive identification or meet one of the exceptions that are listed in section 5.B.(1) of this order, the officer shall make a reasonable attempt to determine the person's immigration status
- In determining whether reasonable suspicion of unlawful presence exists, officers should consider all relevant factors, including among others:
 - Lack of or false identification (if otherwise required by law)
 - Possession of foreign identification
 - Flight and/or preparation for flight; engaging in evasive maneuvers, in vehicle, on foot, etc.
 - Voluntary statements by the person regarding their citizenship or lawful presence
- NOTE:** If the person is in custody for purposes of Miranda, he/she may not be questioned about immigration status until after the reading and waiver of Miranda rights.
- Foreign vehicle registration
 - Counter-surveillance or lookout activity
 - In company of other unlawfully present aliens
 - Location, including for example:
 - * A place where unlawfully present aliens are known to congregate looking for work
 - * A location known for human smuggling or known smuggling routes traveling in tandem
 - Vehicle is overcrowded or rides heavily
 - Passengers in vehicle attempt to hide or avoid detection
 - Prior information about the person
 - Inability to provide their residential address
 - Claim of not knowing others in same vehicle or at same location
 - Providing inconsistent or illogical information
 - Dress
 - Demeanor: for example, unusual or unexplained nervousness, erratic behavior, and refusal to make eye contact
 - Significant difficulty speaking English
5. B. (5) When reasonable suspicion exists to believe a detainee is an alien and present in the U.S. unlawfully, but there are no state or local criminal violations, the officer shall contact HSI/CBP/287(g), unless an exception in section 5.B.(1) of this order applies.
- If HSI /CBP/287(g) does not answer for an unreasonable period of time, or if HSI/CBP/287(g) is unable to determine the detainee is unlawfully present, then the officer shall release the detainee.
 - The fact that an HSI/CBP/287(g) cannot verify a person's status does not mean a person is unlawfully or lawfully present in the U.S., and is not the basis for enforcement action.
 - The officer shall complete an FI following the guidelines outlined in section 4 of this order.

46. DOCUMENTATION

- All immigration related data must be documented by the VCB desk sergeant.

A. Documentation will be completed following the guidelines outlined below.

NOTE: Only **ONE** Incident Report (IR) or Field Interview (FI) is needed to document any and all offenses.

TYPE OF OFFENSE	IR	BOOKING FORMS	ATTC	FI
(1) State/Local Charges ¹	Yes ²	Yes (if booking)	Yes ³ (do not complete if booking)	No ²

4. A. Documentation will be completed following the guidelines outlined below. (Continued)

TYPE OF OFFENSE	IR	BOOKING FORMS	ATTC	FI
(2) Federal Criminal Charges Only or Unknown	No	Included as HOLD information if being booked on state/local charges	No	Yes ⁴
(3) Federal Civil Charges Only or Unknown	No	Included as HOLD information if being booked on state/local charges	No	Yes ⁴
(4) Detention and Removal Order (DRO) Only	No	Included as HOLD information if being booked on state/local charges	No	Yes ⁴
(5) Consensual Contact/ Stop/Detention (including all releases and transports, voluntary or HSI requested)	No	No	No	Yes ⁴

¹ Use appropriate ARS or Phoenix City Code (PCC) in the IR Offense Information section

² If an IR is required by policy; otherwise, an FI will be completed

³ If applicable and/or eligible for CLD according to Operations Orders 6-2, Arizona Traffic Ticket and Complaint.

⁴ Select FI/Field Interview as the "Offense Description", Violent Crimes for "Offense Element 1", and HIKE for "Offense Element 2"

B. The IR or FI will have the following information documented:

- The subject listed in the Suspect section as Known or Known – Arrested
 - Subject's name and personal information
 - Time, place, and reason for contacting the subject
 - The agency contacted [HSI/CBP/287(g)] and the type of contact (phone call, in person, teletype)
 - Serial number of the employee who contacted HSI/CBP287g
 - Name and serial number of the HSI/CBP287g official who verified the subject's immigration status
 - The phone number and time the information was verified
 - If applicable, the articulable facts establishing voluntary consent or reasonable suspicion, including consent to be transported to HIS
 - If applicable, the name and serial number of the HIS agent who took custody of the subject
 - Document whether the subject's consulate was notified (see Operations Orders 4.10, Arrests)
 - The factual basis for the federal immigration violation thoroughly documented in the Narrative section
 - Answers to the below questions:
 - * What is your country of citizenship?
 - * What is your place of birth?
- NOTE:** Only if Miranda is given and a valid waiver obtained, may the following be asked:
- * Are you in the United States legally?
 - * Do you have any registration documents or other proof of lawful presence?

C. To document possible immigration violations, the related "ICE Contact Date, Phone # and "Response" data fields in the Suspect section of the IR must be completed for each suspect or arrested person to ensure completion of the HSI Notification Report.

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67. CONTACT WITH HSI ICE

- A. If officers contact HSI ICE during the course of a contact or investigation at any time and HSI ICE advises there are federal charges, officers will need to **must** ask if the charges are federal criminal charges or federal civil charges (state and local officers have no authority to enforce federal civil immigration violations).

NOTE: ¹Anytime ICE needs to be contacted to verify the immigration status of any person, officers **must first** contact the VCB desk sergeant, at (602) 262-6141, who will document all immigration related data and give authority to call ICE (if the VCB sergeant is not available, officers must call an on-duty sergeant will be contacted for approval to call ICE).

²State and local officers have no authority to enforce federal civil immigration violations.

³A legal advisor will be on-call 24/7 for immigration related questions.

B. Federal Civil Charges

- (1) When HSI ICE advises there are only **federal civil** charges and there are **NO state and/or local** charges, refer to the below procedures:

- (a) The officer may not extend a stop/detention based upon the federal civil charges.
- (b) The officer will not extend the stop/detention to wait for HSI ICE to respond.
- (c) Officers will not transport the person based solely upon a federal civil violation without the person's consent.
- (d) If the person has been stopped/detained, he/she must be released after the initial investigation is complete, unless the officer has developed additional reasonable suspicion to detain the person to investigate a violation of criminal activity.

~~(e) If the person is released or transported, complete an FI following the guidelines outlined in section 4 of this order.~~

- (2) If there is a **federal civil** charge and the person **is under arrest for a state and/or local** charge/s:

- ~~(a)~~ The person will be booked into the Maricopa County Sheriff's Office (MCSO) 4th Avenue Jail on the state and/or local charge/s.

* A HOLD for the federal charge will be placed on the person for HSI ICE or other appropriate federal agency.

~~(b) An IR will be completed with the state and/or local charges/s listed as the primary offense and by following the guidelines outlined in section 4 of this order.~~

C. Federal Criminal Charges

- (1) When HSI ICE advises there are **federal criminal** charges and there are **NO state and/or local charges**, refer to the below procedures:

- ~~6. C. (1) (a)~~ The officer shall determine whether HSI ICE will respond to take the person into custody or whether the officer should arrest the person and transport to HSI ICE, MCSO 4th Avenue Jail, or a federal facility.

~~(b) Complete an FI following the guidelines outlined in section 4 of this order.~~

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(2) If there is a **federal criminal** charge and the person **is under arrest for a state and/or local** charge/s:

- Follow the procedures as outlined **above** in section **67.B.(2)** of this order.

D. **HSI ICE** Is Unable To Determine Federal Civil Or Criminal Charges

(1) If **HSI ICE** is unable to verify whether the federal charge is civil or criminal, then the charge will be treated as civil.

(a) If there are **NO** state and/or local charges, the procedures outlined **above** in section **67.B.(1)** of this order will be followed.

(b) If the person **is under arrest** for state and/or local charges, the procedures outlined **above** in section **67.B.(2)** of this order will be followed.

8. STATUTES

A. ~~Unlawful Stopping To Hire And Pick Up Passengers For Work, [ARS 13-2928](#) A and B, Class 1 Misdemeanor~~

~~(1) In order to prove [ARS 13-2929](#) subsections A or B, an officer must provide proof of all the listed elements within the subsection:~~

~~**NOTE:** Subsections A and B apply to all persons without regard to immigration status.~~

~~(a) Subsection A – It is unlawful for an occupant of a motor vehicle,~~

- ~~That is stopped on a street, roadway, or highway~~
- ~~To attempt to hire or to hire and pickup a passenger~~
- ~~For work at a different location~~
- ~~If the motor vehicle blocks or impedes the normal movement of traffic.~~

~~8. A. (1) (b) Subsection B – It is unlawful for a person to enter a motor vehicle,~~

- ~~That is stopped on a street, roadway, or highway~~
- ~~In order to be hired by an occupant of the vehicle~~
- ~~To be transported to work at a different location~~
- ~~If the motor vehicle blocks or impedes the normal movement of traffic.~~

~~(2) Officers may not consider race, color, or national origin in the enforcement of this section except as part of a specific suspect description or otherwise authorized by law.~~

~~(3) An IR will be completed for all arrests following the guidelines outlined in section 4 of this order.~~

98. DETENTION AND REMOVAL ORDER (DRO) HOLDS

A. The Detention and Removal Office (DRO) is a unit of **HSI ICE** that has the responsibility of detaining and transporting undocumented persons apprehended by **HSI ICE, Customs and Border Protection (CBP)**, or local law enforcement.

B. Once **ICE has determined** a person **is unlawfully present in the U.S.** has been identified in the **U.S. unlawfully**, **HSI ICE** will issue a DRO hold, which can be for criminal or civil violations.

- This hold will be similar to a hit from a warrant when a person's information is run through the National Crime Information Center (NCIC).

C. If an officer receives a DRO notification from **HSI ICE**, **follow the below procedures; he/she must call the phone number on the DRO notification to determine whether the DRO hold is criminal or civil.**

~~(1) Call the phone number on the DRO notification to determine whether the DRO hold is criminal or civil.~~

~~(2) If the DRO is **civil** and there are **NO state and/or local** charges, follow the procedures outlined in section **6.B.(1)** of this order.~~

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- (3) If the DRO is **civil** and the person is **under arrest for state and/or local** charge/s, follow the procedures outlined in section 6.B.(2) of this order.
- (4) If the DRO is **criminal** and there are **NO state and/or local** charges, follow the procedures outlined in section 6.B.(2) of this order.
- (5) If the DRO is **criminal** and the person is **under arrest for state and/or local** charge/s, follow the procedures outlined in section 6.B.(2) of this order.

409. ASSISTANCE WITH DROP HOUSES, HUMAN SMUGGLING, AND LOAD VEHICLES

- A. When contact with **HSI ICE** is deemed necessary, the following steps will be taken:
- A patrol supervisor will contact the Violent Crimes Bureau (VCB) desk sergeant and provide a detailed account of the situation.
 - * The VCB desk sergeant will contact **HSI ICE** and based upon the **HSI ICE** Criteria Checklist for Response form, determine if **HSI ICE** will respond, or if the incident requires notification of the VCB Home Invasion Kidnapping Enforcement (HIKE) sergeant and/or other investigative detail supervisor/s (Department of Public Safety (DPS) Illegal Immigration Prevention Apprehension Co-op Team-IIMPACT).
 - * The VCB desk sergeant will document each reported incident along with the response by **HSI ICE**.
 - * The VCB desk sergeant will advise the patrol supervisor of a response by **HSI ICE** and/or other investigative detail.

~~10. B. Officers will cooperate with HSI agents in HSI law enforcement activities.~~

~~C. Officers may transport HSI prisoners associated with smuggling operations, drop houses, or load vehicles at the request of an HSI agent.~~

~~D. Officers will complete an FI following the guidelines outlined in section 4 of this order.~~

4410. NCIC HSI ICE IMMIGRATION VIOLATOR FILE

- A. **HSI ICE** keeps a record of aliens who have been convicted of a felony crime in the U.S. and have since been deported to their country of citizenship.
- This record is known as the Deported Felon File which is located in the NCIC Immigration Violator File.
- B. The Immigration Violator File contains the following additional categories:
- (1) The **HSI ICE** Absconder category, which contains the records for individuals with an outstanding administrative warrant of removal from the U.S. who have unlawfully remained in the U.S.
 - (2) The **HSI ICE** National Security Entry/Exit Registration System (NSEERS) category, which contains the records for individuals whom **the Department of Homeland Security (DHS)** and **HSI ICE** have determined have violated registration requirements for entry into the U.S.
 - (a) The NCIC query results will advise whether the information displayed is an Administrative Warrant hit or a Deported Felon File hit.
 - (b) Police officers **will must not** take enforcement action on Administrative Warrants or NSEERS hits as these are civil federal matters.
 - ~~(c) For Administrative Warrants or NSEERS hits, follow the procedures outlined in section 6.B of this order.~~
- C. If there are **local charges** along with a **Deported Felon File notification**, follow the procedures as outlined in section ~~6~~**7**.B.(2) of this order.

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- D. If an officer runs a person who is the subject of a **Deported Felon File notification**, and there are **NO local charges**, the following steps will be taken:
- (1) Verify through physical description (scars, marks, tattoos, etc.), admission, or other available information, the person on the hit is the same person.
 - (2) Contact the **HIS ICE** Law Enforcement Service Center in Vermont through the communications dispatcher or call directly using the phone number listed for immediate notification confirmation.
 - (3) Once the hit has been confirmed, officers will positively identify the subject through LiveScan, or fingerprint the individual and fax the fingerprints to **HIS ICE**.
 - (4) After the subject has been positively identified, the **HIS ICE** Law Enforcement Agency Response (LEAR) Unit (or other local **HIS ICE** office) may be contacted at 602-379-3235 for pick-up and disposition of the subject.
 - Officers may also take the subject to the **HIS ICE** Detention and Removal Office at 2035 North Central Avenue for subject turnover to an **HIS ICE** agent.
 - Officers will call the LEAR Unit before transporting a subject.

~~11. D. (5) Officers will complete an FI following the guidelines outlined in section 4 of this order.~~
~~• Include whether or not the LEAR Unit picked up the subject or if the subject was transported to the HIS center.~~

121. FEDERAL FIREARMS REGULATIONS

- Under Title 18, U.S.C., Chapter 44, Section 921(20), any **alien illegally in the country person unlawfully present in the U.S.** is prohibited from owning or possessing a firearm.
 - * If the status of a prohibited possessor cannot be verified, an IR will be completed and the firearm impounded as Evidence.

132. U-VISA CERTIFICATION FORMS

- A. Available through the United States Citizenship and Immigration Services for immigrants who are current or former victims, or affected eligible family members who are assisting officials in the criminal justice system with the investigation and prosecution of criminal activity.
- B. All requests for U-Visa certifications (form I-918B) will be assigned to the case detective who will determine if the applicant meets the conditions required on form I-918B in regards to the type of crime committed and the victim's involvement: for example, the applicant is a victim and was/is being cooperative and possesses relevant information regarding the case.
- C. The assigned detective will forward form I-918B to the authorized certified signer within their respective bureau (designated by the bureau commander/administrator) with a recommendation for the signer to either sign or not sign the form.
- D. Once reviewed and either signed or not signed by the authorized certified signer, the form will be returned to the assigned case detective for disposition (returned to the victim/attorney/representative).

143. HIS ICE NOTIFICATION

- HIKE will be responsible for the daily review of the **HIS/ICE** Notification Report.
 - * HIKE will forward a copy of the **HIS/ICE** Notification Report to **HIS ICE** to ensure compliance with federal and state reporting guidelines.

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154. HSI ICE CONTACT INFORMATION

- A. 1-800-973-2867 HSI ICE 24 hour contact (Communications Center) – Call must be made by a custodial officer and request to be transferred to the Phoenix DRO Office
- B. 1-802-872-6020 HSI ICE Law Enforcement Support Center (NLETS Inquiry Only – No phone support)
- C. 1-520-836-7812 Tucson CBP