

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

- A. 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 laws to less than the full extent permitted by federal law.

- B. 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.

PP B): No city official shall interrogate, arrest, detain or take other law enforcement action against an individual based upon that individual's perceived race, national origin, religion, language, or immigration status, unless such personal characteristics have been included in timely, relevant, credible information from a reliable source, linking a specific individual to a particular criminal event/activity.

- 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.

- E. Officers are cautioned against unnecessarily prolonging stops and detentions to determine a person's immigration status.

PP E): City officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law including to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

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

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

PP G): Officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

ACLU Model #9

ACLU Model #5

ACLU Model #2

1. HSI 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)].

PP G1): Officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

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

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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: 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.
I. Stop	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.

4. DOCUMENTATION

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) 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

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

TYPE OF OFFENSE	IR	BOOKING FORMS	ATTC	FI
(5) Consensual Contact/ Stop/Detention (including all releases and transports, voluntary or HSI requested)	No	No	No	Yes*
<ol style="list-style-type: none"> 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/CBP/287(g) 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 HSI

If applicable, the name and serial number of the HSI 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.

Correct Spelling

CONSENSUAL CONTACTS/STOPS/DETENTIONS

A. Consensual Contacts

ACLU Model #5

(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.

PPP A1): City officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law including to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

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

PPP A1a): *During a voluntary conversation, the officer may inquire about any subject matter, but shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law including to verify eligibility for a benefit, service, or license conditioned on verification of certain status.*

- (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.”

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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.

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.

B. Persons Lawfully Stopped Or Detained

(1) If during the course of a lawful stop or detention of a person (detainee), an officer subsequently develops additional reasonable suspicion to believe a detainee is an alien and 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) (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 HSI and verify immigration status if there is reasonable suspicion a victim or witness is unlawfully present in the U.S.

EXCEPTIONS:

(a) When it is not practicable

In determining whether it is practicable, officers should consider things such as work load, criticality of incident and other present duties, available personnel on scene, location, available back-up, and ability to contact or availability of HSI/CBP/287(g).

(b) 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.

(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'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.

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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) 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.

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.

(a) 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

- *PPP4a): No city official shall interrogate, arrest, detain or take other law enforcement action against an individual based upon that individual's perceived race, national origin, religion, language, or immigration status, unless such personal characteristics have been included in timely, relevant, credible information from a reliable source, linking a specific individual to a particular criminal event/activity.*

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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.
- (a) 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.
- (b) The officer shall complete an FI following the guidelines outlined in section 4 of this order.

6. **CONTACT WITH HSI**

A. If officers contact HSI during the course of a contact or investigation and HSI advises there are federal charges, officers will need to 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).

B. Federal Civil Charges

- (1) When HSI 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 to respond.
- (c) Officers will not transport the person based solely upon a federal civil violation without the person's consent.

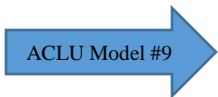
PPP B1c).

City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

Officers will not transport the person based solely upon a federal civil violation without the person's consent and a judicial warrant.

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

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6.

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

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

(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 in section 6.B.(2) of this order.

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

(1) If HSI 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 in section 6.B.(1) of this order will be followed.

(b) If the person **is under arrest** for state and/or local charges, the procedures outlined in section 6.B.(2) of this order will be followed.

7. **ARRESTS**

A. **All** arrested persons (adults and juveniles whether booked/detained **or CLD'd**/referred and released), regardless of reasonable suspicion of lawful status, 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.

(1) For adults being issued an Arizona Traffic Ticket and Complaint (ATTC) as a CLD or for all juvenile arrestees [CLD'd, referred and released, 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.

(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.

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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.

(2) Officers do not need to verify the immigration status of an adult who is to be booked (HSI personnel assigned to the MCSO 4th Avenue Jail will be available after the booking to verify immigration status).

(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?

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.

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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.

9. **DETENTION AND REMOVAL ORDER (DRO) HOLDS**

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

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

PPP 9B): City officials shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).

C. 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).

D. If an officer receives a DRO notification from HSI, follow the below procedures:

PPP 9D: If an officer receives a judicial warrant from HSI, follow the below procedures:

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

PP 9D1): Call the phone number on the accompanying judicial warrant 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.

(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.C.(1) 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.

10. **ASSISTANCE WITH DROP HOUSES, HUMAN SMUGGLING, AND LOAD VEHICLES**

A. When contact with HSI 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 and based upon the HSI Criteria Checklist for Response form, determine if HSI will respond, or if the incident requires

ACLU Model #1

Change DRO to JW

ACLU Model #1

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 HS.

The VCB desk sergeant will advise the patrol supervisor of a response by HSI and/or other investigative detail.

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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.

11. **NCIC HSI IMMIGRATION VIOLATOR FILE**

- A. HSI 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 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 National Security Entry/Exit Registration System (NSEERS) category, which contains the records for individuals whom DHS and HSI 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 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.B.(2) of this order).

- 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 HSI 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 HSI.
- (4) After the subject has been positively identified, the HSI Law Enforcement Agency Response (LEAR) Unit (or other local HSI office) may be contacted at 602-379-3235 for pick-up and disposition of the subject.

Officers may also take the subject to the HSI Detention and Removal Office at 2035 North Central Avenue for subject turnover to an HSI agent.
Officers **will** call the LEAR Unit before transporting a subject.

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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 HSI center.

12. **FEDERAL FIREARMS REGULATIONS**

Under Title 18, U.S.C., Chapter 44, Section 921(20), any alien illegally in the country 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.

13. **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).

14. **HSI NOTIFICATION**

HIKE will be responsible for the daily review of the HSI Notification Report.

HIKE will forward a copy of the HSI Notification Report to HSI to ensure compliance with federal and state reporting guidelines.

15. **HSI CONTACT INFORMATION**

- A. 1-800-973-2867 HSI 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 Law Enforcement Support Center (NLETS Inquiry Only – No phone support)
- C. 1-520-836-7812 Tucson CBP