

Phoenix Police Department

Immigration Policy Overview

Operations Order 1.4

What has changed:

1. All arrested persons will be questioned as to their immigration status.

If a person, regardless of their race, ethnicity, or country of origin is arrested on a criminal charge the arresting officer will ask the person if they are in the country legally. This will allow us to track our resources and activity more accurately.

2. Officers will be allowed to transport detained individuals to ICE.

For example – during the course of a routine traffic stop an officer encounters a person that has a valid criminal warrant for a federal immigration violation, after obtaining the permission of a supervisor that officer will be allowed to transport the person to ICE.

3. Officers will be allowed to make a real-time call to ICE in order to further a criminal investigation.

Officers will be allowed to use their discretion when determining if an individual warrants the officer's time and effort based on the circumstances.

For example, if an officer makes a valid contact with a person and develops information that leads them to believe the person is in the country illegally, the officer can::

- a. Release the person and complete an ICE referral form to forward their personal information to ICE.

This is voluntary on the part of the officer. The person may be in the country illegally, but if they present proper identification and the officer does not feel the individual has a criminal record that warrants the investment of time to book the person into jail, they may forward information on that person to ICE.

- b. Complete a request for a criminal investigation via a Departmental Report

If an officer contacts an individual that has committed a crime and is eligible for a citation in lieu of detention (CLD) or ticket and then the officer develops information that the individual is in the country illegally, the officer may determine that the individual is a flight risk in which case they would likely book the suspect into jail or they may determine that the individual should just be cited. This is based on the officer's discretion and some basic guidelines. If the individual is cited, a formal request for a criminal investigation via a Departmental Report will be completed and forwarded to ICE.

- c. Detain the individual and turn them over to ICE.

If an officer contacts an individual and then develops information that the subject is in the country illegally the officer may determine that it would further a criminal investigation to directly contact ICE. The officer will obtain supervisory approval prior to making the call to ICE.

What has stayed the same:

1. Phoenix Police Officers' primary responsibility is still public safety and they will not contact or stop persons for the sole purpose of determining their immigration status.

In other words, officers *cannot* make traffic stops, stop a person on the street or even respond to a call for the sole purpose of determining if a person is in the U.S. legally or illegally.

2. Victims will not be questioned about their immigration status or turned over to ICE.

If a person is assaulted and has their wallet stolen they can call the Phoenix Police without fear of being deported even if they are in the country illegally.

It is not acceptable for anyone, regardless of their immigration status, to be victimized in the City of Phoenix.

3. Witnesses will not be questioned about their immigration status or turned over to ICE.

If a person witnesses a shooting in their neighborhood, they can feel free to talk to responding officers to report what they saw without fear of being turned over to ICE if they are in the country illegally.

We need all residents of Phoenix to assist us in combating crime so that suspects can be apprehended and successfully prosecuted.

4. If an officer is booking a suspect into the Maricopa County Jail and they develop information that the person is in the country illegally, they will place a hold on the individual for federal authorities so that they can be turned over to ICE after their local charges have been addressed.

Policy Safeguards:

1. All interactions with ICE will be documented and subject to supervisory review. This is to ensure that the policy is being applied properly by our officers. It will also help to ensure the public is being treated fairly and protects our officers from false accusations of racial profiling.
2. Our Professional Standards Bureau or Internal Affairs has developed an inspections schedule to ensure officers are complying with the policy.