

IMMIGRATION ENFORCEMENT	Operations Order 4.48
PHOENIX POLICE DEPARTMENT	Draft 07/10 PAGE 6

5. C. (1) (b) For all arrestees not being booked, the arresting officer/employee will call or otherwise contact (communications, computer, etc.) ICE/CBP/287g, to verify the arrestee's immigration status.

- If ICE/CBP/287g does not answer for an unreasonable period of time, or if ICE/CBP/287g is unable to verify that the arrestee is unlawfully present, then the officer/employee will proceed to handle the arrestee according to agency policy, which may result in the issuance of a citation for the original non-immigration charge and the release of the arrestee.
 - * The officer/employee will document the attempt by listing the agency name, phone number, and time the attempt was made in the DR if one is completed or using an ICE Referral on the MDC with all information available directly into PACE using the FI screen by entering:
 - ❖ The radio code 418F Possible Federal Immigration Violation
 - ❖ A supervisor's serial # and reason for the stop in the required fields
 - ❖ Route the ICE Referral to DEBH
- If ICE/CBP/287g verifies the person has federal civil or criminal charges, including unlawfully present, then the officer/employee will transport the arrestee to jail for booking on the original state and/or local charges.
 - * The arrestee will not be cited and released.
 - * The officer/employee will ensure a hold is placed on the arrestee for ICE or other appropriate federal agency on the federal civil or criminal charges.
 - * In addition to the original DR, a 418F "A" DR titled Possible Federal Immigration Violation will be completed (See section 5.L.(2) of this order for the information needed within the report), if the federal hold relates to an immigration matter. Otherwise an FOJ DR will be completed.

(2) All arrested persons shall be asked what country or countries are you a citizen of and what is your place of birth.

- (a) If other than the United States, officers will ask if they have dual citizenship.
- Officers may not ask incriminating follow-up questions unless Miranda has been read and a valid waiver obtained.
 - Officers/employees must follow the provisions of [Operations Order 4.10.5](#) in notifying the appropriate foreign consulate for persons who self identify as being foreign citizens.
- (b) If the arrestee states they are not a United States citizen, and Miranda has been read and a valid waiver obtained, officers should ask the following questions with the answers documented in the departmental report.
- Are you in the United States legally?
 - Do you have any registration documents or other proof of lawful presence?

- (3) Arrests that result in booking a suspect, or referring a juvenile, will be processed in accordance with applicable Department policies.
- When completing a citation in lieu of detention, officers must follow the provisions of [Operations Order 6.2.3.A.\(1\)](#).