

IMMIGRATION ENFORCEMENT		Operations Order 4.48
PHOENIX POLICE DEPARTMENT	Draft 07/10	PAGE 5

5. B. (5) (b) Federal Criminal Charges -- If ICE/CBP/287(g) advises the officer there are federal **criminal charges** against the detainee, then the officer shall determine whether ICE/CBP will respond to take the person into custody or whether the officer should arrest the detainee and transport to ICE/CBP, jail, or a federal facility.
- A 418F DR titled "Possible Federal Immigration Violation" will be completed for all arrests, whether booking or transporting to ICE on criminal violations of a federal immigration law (See [section 5.L.\(2\)](#) of this order for the information needed within the report).
- (c) Federal Civil Charges -- If ICE/CBP/287(g) advises the officer that the detainee only has federal **civil charges**, then the officer shall ask whether ICE/CBP will respond.
- The officer may not extend the initial lawful stop based upon the federal civil charges.
 - Once the investigation related to the initial lawful stop has been completed, the detainee must be released unless the officer has developed reasonable suspicion to detain further to investigate a violation of ARS 13-1509 or other criminal activity.
 - The officer shall not extend the detention to wait for ICE/CBP to respond.
 - Without the person's consent, officers shall not transport the person based solely upon a federal civil violation.
 - A 418F DR titled "Possible Federal Immigration Violation" will be completed for all transports to ICE. (See [section 5.L.\(2\)](#) of this order for the information needed within the report).
 - The officer shall fill out 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
- (d) The officer shall treat the charge as civil pursuant to paragraph (c) above if ICE/CBP/287(g) is **unable to indicate whether the federal charge against the detainee is civil or criminal.**

C. Arrests (including Citation in Lieu of Detention)

- (1) All arrested persons including juveniles, shall have their immigration status verified by ICE/CBP/287(g) prior to the arrestee being released.

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

- (a) All arrestees who are going to be booked will have the verification of immigration status required above done by jail personnel.