

# COMMUNITY LAW ENFORCEMENT PARTNERSHIP COMMISSION

July 9, 2018

9 a.m. – 11:00 a.m.

Herbert Abrams Public Health Center  
3950 S. Country Club Road  
1<sup>st</sup> Floor Conference Rooms

## AGENDA

1. Welcome and Call to Order
2. Pledge of Allegiance
3. Introductions
4. Review and Approve Minutes from June 11, 2018 Meeting
5. Review Committee Responsibilities
6. Presentation
  - a. Sheriff's Department's Immigration Policy – Sheriff Mark Napier
7. Discuss and prioritize Commission goals and objectives
8. Unfinished Business
  - a. Selection of Chair and Co-Chair (continued from June 11, 2018)
9. Identify Future Agenda Items
10. Calendar Items
11. Call to The Public
12. Adjournment

Action may be taken on any item. Correspondence and background materials sent to the Committee are available at [www.pima.gov/CommunityLawEnforcement](http://www.pima.gov/CommunityLawEnforcement).

Persons with a disability may request a reasonable accommodation by contacting Terrance Cheung at 520-724-8770. Requests should be made as early as possible to allow time to arrange the accommodation.

## COMMUNITY LAW ENFORCEMENT PARTNERSHIP COMMISSION

Monday, June 11, 2018  
9 a.m. – 11 a.m.  
Herbert Abrams Public Health Center  
3950 S. Country Club Road  
1<sup>st</sup> Floor Conference Rooms

### SUMMARY OF MEETING

#### Commission Members Present

Laura Conover – D3  
Kristen Landrum – D2  
Kevin McNichols – D4  
Anakarina Rodriguez – D5  
Jessica Rodriguez – D5  
Zaira Livier Serrato – D3

#### Commission Members Absent

Cesar Aguirre – D2  
Bobby Lane – D1

#### Vacancies

D1  
D4

Sheriff Mark Napier – Ex-Officio, Non-Voting

### MEETING SUMMARY

1. Welcome

The meeting began at 9:10 a.m. with a quorum.

2. Pledge of Allegiance

3. Introductions

Each of the commission members present introduced themselves. Pima County Program Manager Terrance Cheung introduced himself and other County Staff present. Around the room introductions were done as well.

Mr. Cheung announced of the pending resignation of commission member of Bobby Lane, District 1, and the addition of an ex-officio non-voting member from the Tohono O’odham Nation.

Commissioners also request Mr. Cheung to remind Supervisors to fill vacant seats.

4. Responsibilities of the Committee

Terrance Cheung referred to County Administrator Chuck Huckelberry’s [March 20, 2018](#) memorandum - page two, Community Law Enforcement Partnership Commission, and went over the Mission/Scope.

5. Operation Stonegarden Work-to-Date  
Pima County Data Coordinator Spencer Graves provided a general overview of Operation Stonegarden.

6. Election of Chair and Vice Chair

After discussion, the following motion was made:

**MOTION: Zaira Livier Serrato moved, seconded by Kristen Landrum, to have on the next agenda a vote for the election of Chair and Vice Chair. Motion approved 6-0.**

7. Open Meeting Law Training

Deputy County Attorney Dan Jurkowitz provided an overview of Arizona's Open Meeting Law and how it applied to this commission and any possible subcommittees. A guidance documents was also included in the commission's meeting materials. Commission members asked clarifying questions after the presentation.

8. Review meeting schedule

Future commission meetings will occur the second Monday of every month at 9:00 a.m. at Herbert Abrams Public Health Center, unless otherwise indicated.

9. Create shorten URL link to webpage

If Communications approves, the shorten URL will be CommunityLawEnforcement.

10. Call to The Public

Note: Speaker card is attached to these meeting minutes.

Billie Peard, ACLU: Mr. Peard spoke in support of the formation of the Community Law Enforcement Partnership Commission and for the support of Pima County Sheriff's Department for their transparency for the implementation of having a written policy in place.

**MOTION: Laura Conover moved, seconded by Kristen Landrum, to have the Sheriff Napier provide a 15 minute overview with questions/answers to address deployment policies for Operation Stonegarden. The Commission also requested that Sheriff Napier provide any written documents in advance. Motion approved 6-0.**

11. Adjournment

**MOTION: Zaira Livier Serrato moved, second by Kevin McNichols, to adjourn the meeting at 10:15 a.m. Motion approved 6-0.**

- I. After contacts with individuals claiming immunity, officers shall promptly notify their supervisor or a commander. The supervisor or commander shall, within twenty-four (24) hours, notify the appropriate Division Commander.
  1. Officers shall prepare incident reports for all contacts where immunity is claimed and forward, via chain of command, to their Division Commander.
  2. The Division Commander shall ensure that reports concerning diplomatic or consular contacts are forwarded to:

Command Center – Bureau of Diplomatic Security  
U.S. Department of State  
Washington, D.C. 20520

## XII. INTERNATIONAL BORDER RELATED ISSUES

Pima County shares approximately 125 miles of border with Mexico which allows trans-national traffic to pass, including illegal drug and human trafficking. The Department will act to detect, deter, and investigate State and local crimes related to cross-border traffic while also cooperating with Federal authorities.

### A. Definitions

1. **RACIAL OR BIAS-BASED PROFILING:** An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.
2. **FEDERAL IMMIGRATION AUTHORITIES:** Law enforcement officers authorized by the Federal government under title 8 U.S.C. § 1357 to verify or ascertain immigration status including Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Border Patrol (USBP).

- B. Department members shall **NOT** proactively pursue investigations regarding Federal immigration law.
  - 1. Members shall not inquire as to how a person entered the United States unless it is a valid element of a criminal investigation.
  - 2. Members shall not inquire about immigration status while on the grounds of a public or private educational institution unless such inquiry is a valid part of a criminal investigation.
  - 3. Members shall not inquire about immigration status during consensual contacts.
  
- C. Department members shall not engage in racial or bias-based profiling.
  - 1. In establishing reasonable suspicion or probable cause, members shall not consider race, color, or national origin except when it is part of a specific suspect description.
  - 2. No single factor, other than an admission, is sufficient to develop reasonable suspicion that a person is in the United States without proper documentation and would give rise to a request for Federal immigration authorities.
  - 3. Members shall document the existing reasonable suspicion in a case report.
  
- D. When reasonable suspicion exists that a person is unlawfully present in the United States, a reasonable attempt shall be made to determine the immigration status of the person.
  - 1. Members shall not inquire of victims and witnesses about immigration status unless the crime involved includes an element related to immigration status.
  - 2. Such efforts should not be made if determination of immigration status may hinder or obstruct an investigation.
  - 3. Attempts to determine the immigration status of a person should not prolong the time it takes to complete the original investigation or other enforcement action.
  - 4. Persons determined, by Federal immigration authorities, to be in the United States unlawfully shall be turned over to Federal custody.
  - 5. Members shall not transport or deliver an individual to Federal

immigration authorities unless Federal immigration authorities verify the person is wanted for a criminal immigration violation or the person has a civil immigration violation only and consents to a transport.

6. All persons booked into the Pima County Adult Detention Center shall have their immigration status determined prior to release from custody.

E. Verification

1. Immigration status shall be verified with Federal immigration authorities.
2. A person is presumed to be lawfully present in the United States if the person provides any of the following.
  - a. A valid Arizona driver license
  - b. A valid Arizona non-operating identification
  - c. A valid Tribal enrollment card or other form of Tribal identification
  - d. Any other valid United States government – Federal, State, or local – issued identification, if such entity requires proof of legal presence before issuance.

F. Interaction with Federal Immigration Authorities

1. Members shall cooperate with Federal immigration authorities.
2. Members shall not participate in immigration checkpoints except when requested to respond and enforce a specific State or local statute.
3. Members may participate in border security missions when approved by a Chief.
4. Members shall comply with all Federal and Department reporting requirements.

- G. Requests for assistance from Federal immigration authorities shall be made via the Department's Communications Section.
1. Communications shall track Department requests for Federal immigration authority assistance or response.
  2. The Communications Section Commander shall complete a monthly synopsis of this data.
  3. Unless absolutely necessary, requests for Federal immigration authorities shall not be made by personal or Department-issued cell phones.

### XIII. CONSULATE NOTIFICATIONS ON ARREST OF FOREIGN NATIONALS

Certain treaties between the United States and other countries require that local law enforcement officials make notification to consulates when a foreign citizen is taken into custody. Failure to make the appropriate notifications may result in the suppression of statements or other evidence against the defendant. The following procedures shall be followed when a foreign citizen is taken into custody.

#### A. General

1. Deputies are required to notify foreign citizens who are taken into custody of their right to consular notification.
2. This requirement does not allow deputies to ask persons whether or not they are citizens or whether they are legally or illegally in this country. Consular notification procedures should be followed only if an arrestee self-identifies as a foreign national or if the arresting deputy has reasonable grounds to believe the person is not a citizen and has verified that with the person. Consular notification shall be done whether or not a person is legally within the United States.
3. This Order applies only in those situations where a foreign national has been taken into custody and will be detained for more than a brief period of time. This Order does not apply in most situations in which a person is arrested, cited, and field released. The Order applies to all foreign citizens, including permanent resident aliens. This Order does not apply to persons who are both citizens of the United States and another country (dual citizenship).

Marana Police Department  
General Orders - Immigration

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## **360 Immigration**

### **360.1 General**

The Marana Police 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 or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law.

Officers should be aware that the enforcement of state and federal laws related to immigration is a complex effort requiring the cooperation of multiple agencies and the consideration of multiple facts and circumstances. Officers are encouraged to contact supervisors when necessary. If at any time, in the sound judgment of an officer, the officer believes that deviation from this policy is appropriate, the officer should contact a supervisor.

Officers should exercise discretion in making immigration status inquiries during consensual contacts or with victims and witnesses of 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. 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.

Police officers shall not contact or stop a person merely on suspicion that the person is present in the United States illegally.

Federal agents with Immigration and Customs Enforcement (ICE) and the ICE Division of Customs and Border Protection (CBE) may be of assistance when dealing with immigration issues.

### **360.2 Undocumented Persons**

During contact with suspected undocumented persons, officers shall follow the same procedures when contacting or stopping any person. If, after a person is contacted or stopped, the officer reasonably suspects that person is an undocumented person:

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- The officer may request an ICE/CBE agent to respond. The subject shall not be detained longer than necessary to complete the original stop/contact.
- If the contacted agency does not respond prior to the officer completing the contact with the subject, and the subject is going to be released without further law enforcement action being taken, the subject shall be released.
- If the subject is to be cited and released, and the contacted agency has not responded prior to the completion of the citation, the subject shall be cited and released.
- If the subject is arrested for a felony, or a misdemeanor for which the subject will be taken into custody, the subject shall be booked with an ICE hold. ICE shall be notified of the arrest by the arresting officer.

### **360.3 Federal civil or criminal charges**

If officers contact ICE/CBE during the course of an investigation, and the officer is advised that there are pending federal civil charges, the officer may not extend the initial lawful stop based solely upon those charges.

- Once the investigation related to the initial lawful stop has been completed, if there is no probable cause to arrest, the person must be released, unless the officer develops reasonable suspicion to detain further to investigate a violation of other criminal activity.
- The officer shall not extend the detention to wait for ICE/CBE to respond. Without the person's consent, officers will not transport the person based solely upon a federal civil violation unless the person is already under arrest. If the person is released an ICE referral form will be completed.
- If officers contact ICE/CBE during the course of an investigation, and the officer is advised that there are federal criminal charges

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against the person, then the officer shall determine whether the agent/officer will respond to take the person into custody or whether the officer should arrest the detainee and transport to ICE, jail, or a federal facility.

If it is not clear whether the federal charge against the detainee is civil or criminal, then the officer will treat the charge as civil.

If ICE is unable to verify a person's status, this does not mean that the person is or is not lawfully present in the United States.

#### **360.4 Detention and Removal Order (DRO) Hold**

The Detention and Removal Office is a unit of ICE that has the responsibility of detaining and transporting undocumented persons apprehended by ICE, CBP and local law enforcement. Once a person has been identified as being in the United States unlawfully, ICE will issue a DRO hold, which can be for criminal or civil violations. When an individual's information is run through NCIC, information related to a DRO hold will appear much like a warrant notification.

If an officer receives a DRO notification from ICE, the officer shall:

- Call the phone number on the DRO notification to determine whether the DRO hold is criminal or civil.
- Detain and transport for criminal orders only, if requested to do so by ICE.
- Complete a DR containing all relevant information.

Without the person's consent, officers will not transport or continue to detain if the only violation is a civil DRO hold.

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### **360.5 NCIC ICE Immigration Violator File**

ICE keeps a record of undocumented persons who have been convicted of a felony crime in the United States 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.

The Immigration Violator File contains the following additional categories:

- The ICE Absconder category, which contains the records for individuals with an outstanding administrative warrant of removal from the United States who have unlawfully remained in the United States.
- The ICE National Security Entry/Exit Registration System (NSEERS) category, which contains the records for individuals whom the Department of Homeland Security (DHS) and ICE have determined have violated registration requirements for entry into the United States.

Department officers will not take enforcement action on Administrative Warrants or NSEERS hits, as these are civil or other non-criminal federal matters. The NCIC query results will advise whether the information displayed is an Administrative Warrant hit or a Deported Felon File hit.

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.

- Verify through physical description (scars, marks, tattoos, etc.), admission, or other available information, that the person on the notification is the same person.
- Contact the ICE Law Enforcement Service Center in Vermont through the communications dispatcher or call directly using the phone number listed for immediate notification confirmation.

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- Once the hit has been confirmed, officers will positively identify the subject through Live Scan, or fingerprint the individual and fax the fingerprints to ICE.
- After the subject has been positively identified, the ICE Law Enforcement Agency Response (LEAR) Unit (or other local ICE office) may be contacted at (520) 620-7551 for pick-up and disposition of the subject.
- Officers may also, after verification, transport the subject to the ICE Detention and Removal Office at 5431 South Country Club,
- Officers will call the LEAR unit, (520) 620-7270, before transporting a subject.

Officers will also complete a DR with the following information: subject's name and personal information; time, place and reason for contacting the subject; whether or not the LEAR unit picked up the subject or if the subject was transported to the ICE center; and name and badge number of ICE agent that took custody of subject.

If there are local charges along with a Deported Felon notification, there is no need to contact ICE. Follow normal booking procedures.

### **360.6 Contacting federal agencies**

The following options exist for contacting federal immigration agencies. When contact is required, Communications may be contacted to initiate the appropriate computer inquiry (NLETS) or to make the telephone inquiry.

An officer may use the following points of contact:

1. ICE Joint Operations Center (520) 514-4662
2. ICE 24 hour contact. (520) 620-7551.
3. Following initiation of the appropriate computer inquiry (NLETS), call the ICE Law Enforcement Support Center in Vermont, 802-872-6020.

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## **361 U-Visas**

U-Visas are available through United States Citizenship and Immigration Services for immigrants who are assisting or who have assisted officials in the criminal justice system in criminal investigations or prosecutions. To qualify for a U-Visa, the person must be a current or former victim, witness, or affected family member. If an officer or detective believes a victim or witness is an appropriate candidate, the victim or witness may be referred to the appropriate prosecuting agency or to a private attorney for assistance.

### **361.1 Department U-Visa Certifying Official**

The CIU Supervisor has been designated as the Department's certifying official for the U-Visa program. It is the CIU Supervisor's responsibility to determine if the applicant meets the conditions required on the U-Nonimmigrant Status Certification Federal Form (I-918, Supplement B), a copy of which will be provided by the person requesting the U-Visa.

If the qualifying criteria have been met, the certifying official shall complete the form in detail and sign and return the form. The ultimate decision regarding the issuance of the U-Visa is made by the federal government; the applicant cannot proceed, however, without the completion of the form by the Department.

### **361.2 Arrests Involving Foreign Nationals**

The United States is obligated under international treaties and A.R.S. §13-3906 to notify foreign consulates in certain situations when foreign nationals of their country are arrested, or otherwise detained for an extended period. These obligations include:

- Immediately informing the foreign national of the right to have their government notified concerning the arrest/detention.
- Informing the appropriate Consulate without delay if the foreign national asks that such notification be made.
- In the case of certain countries, making such notification without delay, regardless of whether the arrestee/detainee wishes to have the notification made.

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Arizona law also mandates this process in accordance with these obligations. Due to variations in treaties, consular notification is voluntary in some situations (the arrestee's choice), and mandatory in others (notification must be made whether the arrestee requests it or not). Each time a foreign national from a country is arrested or detained for an extended period of time, the officer with custody of the subject shall contact Communications to determine whether notification is voluntary or mandatory.

Communications maintains a list of countries that require mandatory notification as well as fax numbers for Embassies and Consulates across the United States.

- A [Consular Notification Form](#) and Fax Sheet shall be completed each time a foreign national is arrested or detained for an extended period of time.
- The officer with custody of the subject must ensure that the appropriate box is checked regarding the voluntary or mandatory notification status of the country and if Voluntary notification is declined.

### **362 VOLUNTARY NOTIFICATION**

If the arrestee is from a voluntary notification country, the officer must advise the arrestee that, unless the arrestee waives notification, the officer will advise their consulate of their arrest. The officer will document the time that the arrestee was advised and whether or not the arrestee waived notification.

Mexico is a voluntary notification country. If a Mexican national is taken into custody or any other national from a country where consular notification is voluntary, the officer with custody of the subject must read statement number one (1) on the back of the [Consular Notification Form and Fax Sheet](#) to the arrestee. The officer will then document that the statement was read as well as the arrestee's indication of understanding

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and whether the arrestee wished for Consular Officials to be notified in the basic case report.

- If the arrestee indicates that they wish for their Consulate to be notified, the officer shall fax the completed [Consular Notification Form and Fax Sheet](#) and fax it to the local Mexican Consulate, or the appropriate consular or embassy office, should the arrestee be from another voluntary notification country.
- Submit the original copy of the *Consular Notification Form and Fax Sheet* and the fax receipt to Records.

### **362.1 Mandatory Notification**

If the arrestee is from a country that requires mandatory notification of Consular Officials, then the officer with custody of the subject must read statement number two (2) on the back of [Consular Notification Form and Fax Sheet](#) to the arrestee. The officer will then document that the statement was read as well as the arrestee's indication of understanding in the *Case Report*.

- The officer shall fax the completed *Consular Notification Form and Fax Notification Sheet* to the appropriate Consulate or Embassy office.
- Submit the original copy of the *Consular Notification Form and Fax Sheet* and the fax receipt to Records.

### **362.2 Notification Response**

Once notification of the appropriate Consulate or Embassy has been made it is not necessary to wait for a reply before continuing with the investigation. If the Consulate does contact the officer and asks to speak with the suspect, the Consulate is entitled to reasonable, private access. That access does not take priority over the investigation.

Unless the official is licensed to practice law in the United States, the Consulate or consular official may not act as an attorney and may not invoke any of the suspect's rights on the suspect's behalf.

# Oro Valley Police Department Policy - Immigration

## Immigration Violations

### 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Oro Valley Police Department for investigating and enforcing immigration laws.

#### 414.1.1 DEFINITIONS

Definitions related to this policy include:

**Detentions** - A detention occurs when an officer intentionally, through words, actions or physical force causes a reasonable individual to believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

**Consensual contacts** - A consensual contact occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

### 414.2 POLICY

It is the policy of the Oro Valley Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

Consensual contacts with consenting individuals are encouraged by the Oro Valley Police Department to strengthen community involvement, community awareness and problem identification. Officers should be consistent about when they ask such consenting individuals for identification in order to avoid the perception of disparate treatment based on race, color or national origin.

### 414.3 ENFORCEMENT

An officer may detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. Federal authorities shall be notified as soon as possible and the detained individual shall be immediately released if the federal authorities do not want the person held. An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

#### 414.3.1 CIVIL VERSUS CRIMINAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but remains beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize

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any person, except to the extent permitted by the United States or Arizona Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

- (a) An admission that the person entered the United States illegally.
- (b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.
- (c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.
- (d) Proximity to a United States border or known routes for illegal entry into the United States.
- (e) Other factors based upon training and experience, particularly those identified by Arizona Peace Officer Standards and Training (POST) material.

### 414.3.2 DETERMINING IMMIGRATION STATUS DURING STOPS AND DETENTIONS

Unless it would hinder an investigation, officers shall, when practicable, make a reasonable attempt to determine the immigration status of any person lawfully stopped or detained in the enforcement of any state or local law or ordinance where reasonable suspicion exists that the person is unlawfully present in the United States (ARS § 11-1051).

Attempts to determine the immigration status of a detained person should not prolong the detention beyond the time it takes to complete the original investigation or other valid enforcement action.

A person is presumed to be lawfully present in the United States if the person provides any of the following (ARS § 11-1051):

- (a) A valid Arizona driver license or a valid Arizona non-operating identification license
- (b) A valid tribal enrollment card or other form of tribal identification
- (c) Any valid federal, state or local government-issued identification where proof of legal presence in the United States was required before issuance

If appropriate documentation has been presented to the officer, no obligation exists to pursue further investigation unless additional reasonable inquiry is warranted.

Circumstances may arise that make reasonable attempts to determine the immigration status of a stopped or detained person impracticable (ARS § 11-1051). Examples of these circumstances include, but are not limited to, time limitations, availability of personnel or other resources, issues of officer safety and communication capabilities. Officers do not need a supervisor's approval to forgo such attempts in these circumstances but are expected to make reasonable decisions in

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good faith and based upon the totality of the circumstances presented at the time. Officers who determine that no inquiry regarding a detained person's immigration status is warranted should notify a supervisor and document the reason for no inquiry or for an incomplete inquiry in an associated dispatch log or report.

#### 414.3.3 IMMIGRATION CHECKS

Immigration status may be determined through any of the following sources:

- (a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer)
- (b) Immigration and Customs Enforcement (ICE)
- (c) U.S. Customs and Border Protection (CBP)

An officer shall verify from a 287(g) certified officer, ICE or CBP whether the person's presence in the United States relates to a federal civil violation or a criminal violation.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, the officer should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

#### 414.3.4 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

- (a) Confirm that the detained person's immigration status was properly verified.
- (b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:
  - 1. Transfer to federal authorities.
  - 2. Lawful arrest for a criminal offense or warrant.

#### 414.4 ARRESTS

Any person who is arrested shall have his/her immigration status checked. Unless the arrestee continues to be suspected of some crime for which he/she may be held, custody should not be prolonged for the immigration inquiry. The result of an immigration inquiry should be documented, even if the arrestee has been released (ARS § 11-1051).

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Supervisor notification is required prior to any arrest or vehicle impound related to or based upon a person's immigration status.

#### **414.5 U-VISA/T-VISA NON-IMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Unit supervisor assigned to oversee the handling of any related case. The Criminal Investigations Unit supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

#### **414.6 PROCEDURES FOR IMMIGRATION COMPLAINTS**

Reasonable options when a person reports immigration violations include referrals to ICE and/or the Arizona Attorney General's office if the report relates to employment violations.

#### **414.7 ICE REQUEST FOR ASSISTANCE**

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

#### **414.8 VICTIMS AND WITNESSES**

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/

## *Immigration Violations*

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or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Arizona Constitutions.

### **414.9 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity
- (d) Members will not limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law (ARS § 11-1051).

#### **414.9.1 IMMIGRATION HOLDS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

### **414.10 TRAINING**

The Training Coordinator shall ensure that all applicable employees receive appropriate immigration training supplied by Arizona POST.

# South Tucson Police Department Policy - Immigration

### 2.3.3 Arizona Department of Public Safety (DPS)

The Arizona Department of Public Safety (DPS) is the State law enforcement agency and handles most traffic matters on Interstate 10, Interstate 19 and the on ramps accessing those roadways. DPS is also responsible by state statute for a variety of other duties, including being the central state agency for the ACIC and NCIC computer systems.

### 2.3.4 Arizona Department of Corrections (DOC)

The Arizona Department of Corrections manages all publicly run state prison facilities. DOC officers accompany inmates who are participating in off-site work crews and who are being treated at medical facilities, and provide court transports for inmate court appearances. DOC officers are authorized to carry firearms, though most are not fully certified peace officers. DOC does maintain an authorized peace officer staff for purposes of investigating and processing criminal incidents that occur at the state prisons.

### 2.3.5 Arizona Department of Transportation

The Arizona Department of Transportation (ADOT) is responsible for the physical maintenance and construction of state roadways. The Motor Vehicle Division, a Division of ADOT, oversee the issuance of all driver licenses and motor vehicle registrations in the State. MVD administers the license and registration suspension and revocation hearings. Certain MVD officers are certified peace officers and handle investigations of certain criminal violations of MVD statutes and regulations including commercial vehicle inspections.

### 2.3.6 Arizona Department of Liquor Licenses and Control

The Arizona Department of Liquor Licenses and Control is responsible for licensing and regulating the service and sale of spirituous liquors in the State. The agency's enforcement agents are authorized to investigation violations and take enforcement action against liquor establishments; copies of DR's reporting liquor license violations are forwarded to this Department for action.

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### 2.3.7 Federal Law Enforcement Agencies

✱ Numerous federal agencies may operate in and around the City at various times. Officers may contact federal agencies for assistance when investigating an incident within the agency's jurisdiction. In addition, officers may be asked to provide back-up assistance to any of these agencies at any time; questions concerning specific activities should be referred to an on-duty supervisor.

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### **2.3.8 The Federal Bureau of Investigation**

The FBI investigates violations of federal law, including robberies of federally insured financial institutions, allegations of civil rights and constitutional violations by public officials, and allegations of misconduct or corruption by public officials. Patrol and investigative units may work cooperatively with the FBI at certain crime scenes, such as bank robberies.

### **2.3.9 Bureau of Alcohol, Tobacco and Firearms (ATF)**

ATF is responsible for the enforcement of federal laws and regulations relating to firearms. ATF will assist with issues related to the enforcement of these laws and may be willing to assume certain investigations.

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### **2.3.10 United States Immigration and Customs Enforcement (ICE)**

✶ The United States Immigration and Customs Enforcement (ICE) is part of the Department of Homeland Security (DHS). ICE's focus is the enforcement of federal immigration and customs laws and regulations. Border Patrol is a division of ICE; Border Patrol agents are generally available to assist Department personnel with issues related to undocumented aliens.

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### **2.3.11 United States Secret Service (USSS)**

The United States Secret Service investigates federal offenses involving counterfeiting, wire fraud, credit card and financial crimes, and provides security to certain designated officials, including the President of the United States.

### **2.3.12 United States Marshal Service**

The United States Marshal Service provides security at the federal courthouses in Arizona and is responsible for the transportation and custody of persons charged with federal offenses.

### **2.3.13 United States Drug Enforcement Administration (DEA)**

The Drug Enforcement Administration is the federal agency charged with enforcement of federal controlled substances laws.

### **2.3.14 United States Postal Service**

The United States Postal Service enforces federal laws regarding use of the mail system; postal inspectors may be of assistance in cases involving the mail or destruction of mailboxes.

### **2.3.15 United States Department of State**

The Department of State is the main contact agency to verify claims of diplomatic immunity. They will generally only have agents in the area if providing security for

rights, privileges and immunities of all persons. This policy will not limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law.

Officers should be aware that the enforcement of state and federal laws related to immigration is a complex effort requiring the cooperation of multiple agencies and the consideration of multiple facts and circumstances. Officers are encouraged to contact supervisors when necessary. If at any time, in the sound judgment of an officer, the officer believes that deviation from this policy is appropriate, the officer should contact a supervisor.

B. Officers should exercise discretion in making immigration status inquiries during consensual contacts or with victims and witnesses of 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. 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.

C. Police officers shall not contact or stop a person merely on suspicion that the person is present in the United States illegally.

D. Federal agents with Immigration and Customs Enforcement (ICE) and the ICE Division of Customs and Border Protection (CBP) may be of assistance when dealing with immigration issues.

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↓ ☆ **41.17.1 Undocumented Persons** ↓

A. During contact with suspected undocumented persons, officers shall follow the same procedures when contacting or stopping any person. If, after a person is contacted or stopped, the officer reasonably suspects that person is an undocumented person:

the officer may request an ICE/CBP agent to respond. The subject shall not be detained longer than necessary to complete the original stop/contact.

If the contacted agency does not respond prior to the officer completing the contact with the subject, and the subject is going to be released without further law enforcement action being taken, the subject shall be released.

If the subject is to be cited and released, and the contacted agency has not responded prior to the completion of the citation, the subject shall be cited and released.

If the subject is arrested for a felony, or a misdemeanor for which the subject will be taken into custody, the subject shall be booked with an ICE hold. ICE shall be notified of the arrest by the arresting officer.

#### **41.17.1.1 Federal civil or criminal charges**

A. If officers contact ICE/CBE during the course of an investigation, and the officer is advised that there are pending federal civil charges, the officer may not extend the initial lawful stop based solely upon those charges.

1. Once the investigation related to the initial lawful stop has been completed, if there is no probable cause to arrest, the person must be released, unless the officer develops reasonable suspicion to detain further to investigate a violation of other criminal activity.

2. The officer shall not extend the detention to wait for ICE/CBE to respond. Without the person's consent, officers will not transport the person based solely upon a federal civil violation unless the person is already under arrest. If the person is released an ICE referral form will be completed.

3. If officers contact ICE/CBE during the course of an investigation, and the officer is advised that there are federal criminal charges against the person, then the officer shall determine whether the agent/officer will respond to take the person into custody or whether the officer should arrest the detainee and transport to ICE, jail, or a federal facility.

B. If it is not clear whether the federal charge against the detainee is civil or criminal, then the officer will treat the charge as civil.

C. If ICE is unable to verify a person's status, this does not mean that the person is or is not lawfully present in the United States.

# IMMIGRATION CONTACT

Officer:	Date:	Case/Event #:
Reason: (Stop)		Time: (Immigration Check)
Reason: (Immigration Check)		Contacted: ICE <input type="checkbox"/> CBP <input type="checkbox"/>
Results of Status Check: Federal Civil Charges <input type="checkbox"/> No Record Found <input type="checkbox"/>		Time:
Federal Criminal Charges <input type="checkbox"/>		Other Agency Arrival Time:
Time Stop Concluded:		
Citation: <input type="checkbox"/>	Release: <input type="checkbox"/>	Arrest: <input type="checkbox"/>
Subject Transferred to Federal Custody: Yes <input type="checkbox"/> No <input type="checkbox"/>		If Yes. Time:
South Tucson Police Officers Involved: (Name & Badge #)		
Federal Officers Involved: (Name & badge #)		
Subject Name: Last:	First:	Middle:
Comments:		
Officers Signature:		

Tucson Police Department  
General Orders - Immigration



## 2300 IMMIGRATION POLICY

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 or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law. The Department expressly acknowledges that mere unauthorized presence in the United States is not a criminal offense, and enforcement of such civil violations is reserved for federal authorities. To that end, the Department recognizes and will seek to further the efforts of federal immigration authorities by considering guidelines and policies established by the federal government.

The need for community trust and cooperation is an essential component of effective policing and public safety. In furtherance of this principle, victims and witnesses of crime should not be the focus of immigration inquiries and should be encouraged to cooperate in the reporting and investigation of crime.

Officers should be aware that the enforcement of state and federal laws related to immigration is a complex effort requiring the cooperation of multiple agencies and the consideration of multiple facts and circumstances. Officers are encouraged to contact supervisors when necessary. If at any time, in the sound judgment of an officer, the officer believes that deviation from this policy is appropriate, the officer should contact a supervisor.

The operational needs of the agency and the overall safety of the community necessarily take priority when deciding how best to use limited department resources. Supervisors and commanders may direct law enforcement resources as the needs of the agency, or particular situations dictate, based upon existing circumstances.

## 2310 DEFINITIONS

### **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.

### **Presumptive Identification-**

A person is presumed to be lawfully present in the United States if the person provides to a law enforcement officer or agency any of the following during a lawful detention or following an arrest:

- 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 United States before issuance, any valid United States (U.S.) federal, state, or local government issued identification. Example--a U.S. Passport or U.S. Permanent Resident (Resident Alien) Card

### **ICE/CBP-**

Refers to Immigration and Customs Enforcement or Customs and Border Protection.



**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 specific suspect description. Racial profiling is prohibited.

**2320 CONSENSUAL CONTACTS**

2321 Officers have discretion to approach a person and seek to engage that person in a voluntary conversation. The person contacted is not required to answer questions or produce any identification or other documentation, but may choose to do so voluntarily. If during the contact, the officer develops reasonable suspicion that the person has committed, is committing or is about to commit a crime, then the officer should proceed as directed in *General Order 2330*.

2322 Officers will not make immigration status inquiries during consensual contacts with members of the public. There is generally no obligation on the part of victims and witnesses to cooperate with law enforcement or assist in an investigation, so these encounters should be treated as consensual encounters. Accordingly, officers will not make such inquiries of victims or witnesses, since discouraging cooperation will likely hinder or obstruct investigations and can negatively impact overall community trust and confidence. Immigration status inquiries should only be made when necessary to further an investigation.

**2330 PERSONS LAWFULLY STOPPED OR DETAINED**

2331 Officers shall not stop or detain a person without reasonable suspicion that the person is, has been, or is about to be engaged in criminal activity. Suspicion of unlawful presence in the United States is not a legal basis for a stop or detention. A vehicle may not be stopped to determine the immigration status of the driver or occupants. Passengers in a lawfully stopped vehicle are not required to provide identification or a true name unless they are suspected of a criminal violation or a violation of Title 28.

Arizona law provides that if, during a lawful stop or detention of a person ("detainee"), an officer subsequently develops reasonable suspicion to believe a detainee is unlawfully present in the U.S., the officer must make a reasonable attempt to determine the immigration status of the detainee with either ICE/CBP), unless doing so would not be practicable or would hinder or obstruct the investigation. Officers shall be mindful of discouraging persons to cooperate with law enforcement out of concern regarding their immigration status.

▪ **When it is not practicable-**

In determining whether it is practicable, officers should consider things such as workload, criticality of incident and of other present duties, available personnel on scene, location, available back up, ability to contact ICE/CBP and availability of ICE/CBP.

▪ **When the determination may hinder or obstruct an investigation-**



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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 limited to the investigation for which you have detained the person, but rather overall cooperation with law enforcement). For example, domestic violence situations or complex investigations of money laundering, human trafficking and drug smuggling may require significant cooperation of those involved.

2332 In establishing whether there is reasonable suspicion to believe a person is unlawfully present in the U.S., an officer shall not consider the detainee's race, color or national origin, except when it is part of a specific suspect description. An officer may ask about a person's citizenship after arrest for booking purposes.

2333 **If a detainee presents a form of presumptive identification as defined previously, the officer shall presume that the detainee is lawfully present in the U.S.**

**No further investigation into the person's status is necessary or appropriate, unless there are additional facts that reasonably cast doubt on the person's lawful presence.**

2334 If reasonable suspicion exists to believe a detainee is unlawfully present, and the detainee does not or cannot provide presumptive identification, then the officer will make a reasonable attempt to determine the person's immigration status. Officers shall document the reasonable suspicion that existed in their case report or citation narrative.

In determining whether reasonable suspicion of unlawful presence exists, officers should consider all possible relevant factors, including, but not limited to:

- 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 that if the person is in custody for purposes of *Miranda*, s/he 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 persons,
- In a location known for human smuggling or known smuggling routes,
- Vehicles traveling in tandem,
- Vehicle is overcrowded or rides heavily,
- 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,
- Demeanor, e.g., unusual or unexplained nervousness, erratic behavior, refusal to make eye contact, and,
- Significant difficulty speaking English



**Except for admissions that a person is unlawfully present, no single factor constitutes reasonable suspicion and all factors must be viewed in their totality.**

2335 When reasonable suspicion exists to believe a detainee is unlawfully present in the U.S. but there are no state or local criminal violations, or any other lawful basis to continue the detention (i.e. completion of a traffic stop), the officer shall release the detainee without delay.

If reasonable suspicion exists to believe a detainee is an unlawfully present person during a valid detention, the officer will attempt to contact ICE/CBP via TPD TWX. If no information concerning the subject is obtained from ICE/CBP by the time that the basis for the detention is concluded, the detainee shall be released without delay.

- The fact that ICE/CBP cannot verify a person's status does not mean a person is lawfully or unlawfully present in the United States and provides no basis for any enforcement action to include transport or continued detention.
- If ICE/CBP advises that 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 the CBP Detention Facility. If an officer decides that transport is not feasible for operational reasons, such a determination shall be approved by a supervisor.
- If ICE/CBP advises that the detainee only has **federal civil charges**, then the officer shall ask whether ICE/CBP will respond. The detainee shall not be detained any longer than necessary to complete the officer's initial reason for the stop or detention. The officer shall not extend the detention to wait for ICE/CBP to respond.
- Courts have clearly held that state and local peace officers do not have the authority to transport a person or take any other enforcement action for a civil violation of federal law.

2336 Juveniles who are detained based upon reasonable suspicion to believe they are involved in criminal activity shall not be asked about immigration status without the presence of a parent, guardian or attorney.

2337 School Resource Officers (SROs) shall remain mindful of their unique position as liaisons between the Department and one of the most vulnerable and impressionable segments of the community, students. SROs shall seek to foster a sense of trust, cooperation and safety among the students with whom they interact. SROs and other officers who respond to a school shall not compromise the ability of students to interact and cooperate with an SRO or other officers without fear of repercussion based upon their immigration status. Accordingly, when interacting with students, School Resource Officers and/or other officers who respond to a school shall refrain from asking about immigration status.

## 2340 ARRESTS

2341 An officer shall not prolong a field release arrest to make an immigration status inquiry or to request verification of immigration status. If an officer has reasonable suspicion that an arrestee



is unlawfully present in the U.S., the officer will make a reasonable attempt to determine the arrestee's immigration status, in the same manner and subject to the same exceptions and presumptions provided under *General Orders 2330* for persons lawfully stopped or detained. If no information concerning the arrestee is obtained from TWX/ICE/CBP by the time that the field release process has concluded, the arrestee shall be released without delay.

- If an arrestee presents a form of presumptive identification as defined previously, the officer shall presume that the arrestee is lawfully present in the U.S. No further investigation into the person's status is necessary or appropriate, unless there are additional facts that reasonably cast doubt on the person's lawful presence.
- Adult arrestees who are booked into jail will undergo immigration verification by jail personnel.

2342 Officers shall comply with agency policies regarding consular notification per *General Orders 2390* for persons who self-identify as being foreign citizens.

## **2350 CONTACTING ICE OR CUSTOMS AND BORDER PROTECTION**

2351 All contact with ICE/CBP for assistance or response shall be done via TWX to facilitate proper recordkeeping. CBP will provide assistance and response in accordance with federal enforcement priorities.

2352 In most instances, ICE/CBP will not provide immigration status unless they are able to physically verify information about a subject. The fact that an ICE/CBP cannot verify a person's status does not mean a person is unlawfully present in the United States.

2353 Any response by CBP shall not occur at a school.

2354 CBP shall not be asked to respond solely to provide translation or other similar services.

2355 A case report shall be generated documenting any field response by CBP. A supervisor shall be notified by phone or other similar means if CBP is requested or responds to a scene.

## **2360 DETENTION AND REMOVAL ORDER (DRO) HOLDS** (usually an NCIC hit)

2361 The Detention and Removal Office is a unit of ICE that has the responsibility of detaining and transporting undocumented persons apprehended by ICE, CBP and local law enforcement.

2362 Once a person has been identified as being in the United States unlawfully, ICE will issue a DRO hold, which can be criminal or civil in nature. ICE/CBP will generally not disclose whether the hold is criminal or civil, so officers shall not take any action based solely upon a DRO hold unless it is clearly identified as criminal.

2363 Consular notification procedures as provided in *General Orders 2390* shall be followed for any criminal detainee taken into custody pursuant to a DRO hold.



## **2370 NCIC ICE IMMIGRATION VIOLATOR FILE**

2371 ICE keeps a record of unlawfully present persons who have been convicted of a felony crime in the United States 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.

2372 The Immigration Violator File contains the following additional categories:

- The ICE Absconder category, which contains the records for individuals with an outstanding administrative warrant of removal from the United States who have unlawfully remained in the United States.
- The ICE National Security Entry/Exit Registration System (NSEERS) category, which contains the records for individuals whom the Department of Homeland Security (DHS) and ICE have determined have violated registration requirements for entry into the United States.
- Police officers will not take enforcement action on Administrative Warrants or NSEERS hits, as these are civil or other non-criminal federal matters.

## **2380 DOCUMENTATION**

Officers are reminded of their responsibility to thoroughly document all facts and circumstances supporting their decisions in the application of these statutes.

## **2390 CONSULAR NOTIFICATION UPON ARREST OF FOREIGN NATIONALS**

The United States is obligated under international treaties to notify foreign Consular Officials when foreign nationals of their country are arrested or otherwise detained for an extended period in the United States. These obligations include:

- Immediately informing the foreign national of the right to have their government notified concerning the arrest/detention.
- Informing the appropriate Consulate without delay if the foreign national asks that such notification be made.
- In the case of certain countries, making such notification without delay, regardless of whether the arrestee/detainee wishes to have the notification made.

Due to variations in treaties, consular notification is voluntary in some situations (up to the arrestee), and mandatory in others (notification must be made whether the arrestee requests it or not). Whenever a foreign national from a country, other than Mexico, is arrested or detained for an extended period of time, the arresting officer shall contact Communications to determine whether notification is mandatory or voluntary. Communications has a list of countries that require



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mandatory notification as well as a list of fax numbers for Embassies and Consulates around the United States.

- A *Consular Notification Form and Fax Sheet* (TPD#3208) shall be completed each time a foreign national is arrested or detained for an extended period of time.
- The primary case officer is responsible for ensuring that the appropriate box is checked regarding the Voluntary or Mandatory notification status of the country and if Voluntary notification is declined.

#### 2391 **Voluntary Notification**

Mexico is a voluntary notification country. If a Mexican national is taken into custody, or any other national from a country where consular notification is voluntary, the arresting officer must read statement number one on the back of the *Consular Notification Form and Fax Sheet* to the arrestee. The officer will then document that the statement was read, as well as the arrestee's indication of understanding and whether or not the arrestee wished for the Consular Officials to be notified in the *Incident Report*.

- If the arrestee indicates that they wish for their Consulate to be notified, the officer shall fax the completed *Consular Notification Form and Fax Sheet* to the local Mexican Consulate, or the appropriate consular or embassy office, should the arrestee be from another voluntary notification country.
- Submit the original copy of the *Consular Notification Form and Fax Sheet* and the fax receipt to Records.

#### 2392 **Mandatory Notification**

If the arrestee is from a country that requires mandatory notification of Consular Officials, then the arresting officer must read statement number two on the back of *Consular Notification Form and Fax Sheet* to the arrestee. The officer will then document that the statement was read as well as the arrestee's indication of understanding in the *Incident Report*.

- The officer shall fax the completed *Consular Notification Form and Fax Notification Sheet* to the appropriate Consulate or Embassy office
- Submit the original copy of the *Consular Notification Form and Fax Sheet* and the fax receipt to Records.

#### 2393 **Notification Response**

Once notification of the appropriate Consulate or Embassy has been made it is not necessary to wait for a reply before continuing with the investigation. If the Consulate does contact the officer and asks to talk with the suspect, the Consulate is entitled to reasonable, private access. That access does not take priority over the investigation. The Consulate may not act as an attorney and may not invoke any of the suspect's rights on the suspect's behalf.

**TUCSON POLICE  
DEPARTMENT  
GENERAL ORDERS**



**VOLUME 2  
GENERAL OPERATING PROCEDURES**

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See *G.O. 2119.1* for U and T Visas.



## ARIZONA SHERIFFS ASSOCIATION

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MARK DANNELS, COCHISE COUNTY SHERIFF, PRESIDENT  
JIM DRISCOLL, COCONINO COUNTY SHERIFF, VICE PRESIDENT

THE ARIZONA SHERIFFS ASSOCIATION IS THE ONE UNITED CREDIBLE VOICE REPRESENTING LAW ENFORCEMENT AND PUBLIC SAFETY FOR THE COUNTIES OF ARIZONA

June 28, 2018

Pima County Board of Supervisors  
130 W. Congress St, 11<sup>th</sup> Floor  
Tucson, AZ 85701

Dear Pima County Supervisors,

On behalf of the Arizona Sheriff's Association (ASA), I am writing in support of Sheriff's Napier's request for the Board to accept Stonegarden grant funds utilized by his office to enhance public safety services in Pima County.

Stonegarden funds are awarded to local law enforcement agencies to supplement the costs of investigating, enforcing, and prosecuting activities tied to border security including those activities that adversely affect the safety, security, and wellbeing of the citizens in Pima County and the State of Arizona. Particularly problematic are the heroin and opioid prescription drugs pouring into the United States across the international border with Mexico. This issue has led to epidemic levels of drug use among American citizens in recent years, and without the supplemental Stonegarden funds, the costs associated with combating this crisis and other associated public safety issues will result in added financial strain to Pima County's general fund.

In addition, when eligible counties do not accept Stonegarden funding, the local law enforcement agencies lose their voice in the discussion on critical issues surrounding border security and immigration. The Arizona Sheriff's Association applauds the leadership that Sheriff Napier has shown on these issues. Arizona's border counties must be part of those conversations and as the largest border county in the nation, Pima is certainly a crucial voice that cannot be left out.

In closing, the Arizona Sheriffs Association supports Sheriff Napier seeking Stonegarden funds and respectfully requests the Board of Supervisors vote in favor of accepting these funds.

Sincerely,

Mark Dannels  
Cochise County Sheriff  
President, Arizona Sheriffs Association