

ALBUQUERQUE POLICE DEPARTMENT  
\* PROCEDURAL ORDERS\*

Effective: 08/06/2007; Replaces: 02/13/07, 08/23/04, 03/08/01  
07-POR10

2-14-4  
cont'd

C. Undocumented Foreign Nationals (Undocumented Immigrants)

1. The enforcement of immigration laws and the arrest of undocumented foreign nationals resides exclusively with the federal government.
2. Officers shall not stop, question, detain or arrest any person solely on the ground that they may be undocumented and deportable foreign nationals.
3. Officers shall not inquire about or seek proof of a person's immigration status, **unless the person is in custody or is a suspect in a criminal investigation for a non-immigration criminal violation and the immigration status of the person or suspect is pertinent to the criminal investigation.**
4. Officers are not required to notify federal immigration officials and shall not call federal immigration officials to the scene of a stop or investigation, except in the case of suspected human trafficking. The following procedures apply to a case of suspected human trafficking:
  - a. Officers shall obtain supervisor approval before contacting federal immigration officials; and
  - b. Officers shall document the investigation in an offense/incident report.
5. Officers do not have the authority to place an "ICE" hold on individuals suspected of having violated federal immigration laws.
6. Officers shall not request assistance in language translation from any immigration official or agency.
7. Officers shall accept the Mexican Consular Identification Card (Matricula Consular de Alta Seguridad) as a valid form of identification. The Mexican Consular Identification Card is not an indication of a person's immigration status, nor is it sufficient evidence to establish reasonable suspicion of a person's immigration status.
8. All children have a right to attend public schools in the United States. Officers shall not, under any circumstances, engage in stopping, questioning, detaining, investigating or arresting minor children (under 18 years old) on any immigration-related matter while on or immediately in the vicinity of public school grounds or property. Officers are also prohibited from assisting others, including school personnel or other law enforcement officers or agencies, in detaining or questioning minor children on any immigration-related matter.

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9. Nothing in this SOP shall prevent an officer from investigating any city, state or federal non-immigration criminal violation or taking any action necessary for officer safety.

[6] D. Arrest of Legal Foreign Nationals (Legal Immigrants)

Whenever a legal foreign national is arrested, officers will:

1. Immediately advise the foreign national of his right to have his government notified concerning the arrest and/or detention.
2. The arresting officer will notify the foreign national's consulate of the arrest. (U.S. State Department guidelines)
  - a. The only foreign consulate office in Albuquerque is for Mexico.
  - b. Officers will call the Mexican consulate when dealing with Mexican nationals at 247-4177, or 247-2147. The office is located at **1610 Fourth Street N.W., 87102**
  - c. If the foreign national is other than Mexican, the officer shall call the Dallas District Office at **202-647-4415**, FAX number **202-736-7559**.

[5] \*E. Foreign Diplomats

1. Foreign Diplomats have diplomatic immunity concerning city ordinances and State and Federal laws under the guidelines of the State Department of the United States.
2. Foreign diplomats will be dealt with on an individual basis.
3. They shall not be placed under arrest.
4. It is the officers responsibility to ensure that the respective foreign consulate has been contacted. See subsection D 2 above for contact information.

\*\*\* Material omitted \*\*\*