

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

#### **104.52 Arrest/Detention of Foreign Nationals**

- (1) Whenever any foreign national is arrested or detained, the arresting officer will determine the arrestee's country of citizenship and whether the arrestee wants his embassy to be notified.
- (2) The arresting officer will then contact the Identification Section and provide that information plus the arrestee's full name and date of birth.
  - a. Identification Section personnel will consult the embassy notification list provided by the U.S. State Department. If the arrestee is a citizen of a country requiring mandatory notification, Identification Section personnel will make the notification.
  - b. If the foreign national requests the notification, it will be made.
  - c. If the arrestee's country of citizenship does not require mandatory notification and if the arrestee does not want notice given, no further information is necessary except that the arresting officer will note this information on the arrest documents.
  - d. The Identification Section will keep a record of all such foreign embassy notifications.
- (3) Undocumented immigrants (includes illegal and "undocumented aliens" as referred to in the Federal Immigration and Naturalization act)
  - a. The responsibility for enforcement of immigration laws rests with the Immigration and Naturalization Service (I.N.S.). Denver Police officers shall not initiate police actions with the primary objective of discovering the immigration status of a person.
  - B. Generally, officers will not detain, arrest, or take enforcement action against a person solely because he/she is suspected of being an undocumented immigrant. If enforcement action is deemed necessary under these circumstances, the approval of an on duty supervisor or commander is required. In addition, as soon as is practical the commander of the involved officer shall be notified.
  - c. However, when a suspect believed to be an undocumented immigrant is arrested for other charges, a "Refer to Immigration" charge will be added to the original charges. Sheriff's Department Personnel will then notify the I.N.S. authorities according to their procedures.
  - d. The charge "Hold For Immigration" will be lodged against a prisoner only when a warrant has been issued by the U.S. Department of Justice, or an agency thereof, and then only when the warrant is on an immigration matter.
  - e. Physical evidence pertaining to immigration violations shall be placed in the Property Bureau as evidence when there is no arrest made. A letter detailing the circumstances of the recovery of the property and the property invoice number shall be sent to the commander of the Crimes Against Persons Bureau for disposition.
  - f. All questions pertaining to the handling of immigration related cases shall be directed to the officer's supervisor and/or commanding officer. In addition, the commander of the Civil Liability Bureau is available for guidance regarding enforcement and non-enforcement immigration matters.