

267.0 Foreign Nationals

Revised 11/07

267.10 Legal Requirements

Oklahoma City Police Department employees have no lawful authority to enforce federal immigration laws.

All foreign nationals legally living in the United States should have proper identification. A foreign national means any person who is not a United States citizen by birth or naturalization. Identification and determination of immigration status is complicated and may include any of the following types of valid status: Non-immigrant visa, immigrant visa, pending application for "Asylum" or "Protected status", refugee status and/or pending application for adjustment of legal status.

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267.15 Consular Notification

Federal law requires all arrested foreign nationals be advised of their right to contact their consulate and in certain cases provide for mandatory notification. Oklahoma County Jail personnel, by agreement, will provide said notice and make notifications when required.

Adopted 11/07

267.20 Police Involvement

A significant goal of law enforcement is to foster trust between the Department and the community by ensuring enforcement actions will be taken without regard of a person's immigration status.

Officers are reminded of the prohibition of bias-based policing (Policy 225.0) and the lack of authority to enforce federal immigration laws. Therefore, officers should not inquire into a person's immigration status during routine calls for service unless the officer can show reasonable suspicion, supported by objective and clearly defined facts that the immigration status of the involved person is relevant to the scope of the investigation.

If an officer believes a violation of State Statute Title 21 Section 446 has occurred, they will contact a supervisor, complete an appropriate report, and notify United States Immigration and Customs Enforcement (ICE) to verify immigration status of any involved party prior to taking enforcement action. Title 21 O.S. 446 states the following:

- A. "It shall be unlawful for any person to transport, move, or attempt to transport in the State of Oklahoma any alien knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law, in furtherance of the illegal presence of the alien in the United States.
- B. It shall be unlawful for any person to conceal, harbor, or shelter from detection any alien in any place within the State of Oklahoma, including any building or means of transportation, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law."

Should an officer develop reasonable suspicion a federal immigration law has been violated, ICE may be contacted. If ICE is contacted, the involved officer must contact a supervisor and complete an appropriate report. Only an on-

scene ICE agent will make decisions regarding permanent detentions and arrests for violations of Federal Immigration laws.

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267.30 Contacts with Foreign Nationals

Whenever an officer comes into contact with a person who may be a foreign national, the person will be treated as any other person; whether victim, witness or suspect. This includes advising any person when applicable, of their rights under the Miranda decision. If the officer is unable to communicate with the person, an interpreter will be requested through the Communications Unit.

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267.40 Post-Arrest Requirements Related to Immigration Status

By agreement, Oklahoma County Jail Personnel shall make a reasonable effort to determine the citizenship status of all persons arrested and jailed for a felony crime or a state charge of D.U.I.

Officers may contact ICE to determine the legal status of other arrested persons if there is evidence they are undocumented.

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