



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 138

Policy Name Handling of Foreign Nationals

Approved by *Wendell Franklin, Chief of Police*

Effective Date 10/03/2023

Approved Date 10/02/2023

Previous Date 10/30/2007

PURPOSE OF CHANGE:

To update procedures and rescind 138 Attachment.

POLICY:

The Tulsa Police Department works in partnership with our community to foster trust and cooperation from the public to solve crimes, maintain public safety and keep the peace. The Department does not and will not engage in the practice of stopping, detaining, questioning, or arresting any person based solely on the suspicion that the individual may be in the United States illegally.

The Tulsa Police Department will cooperate with partner agencies investigating the citizenship status of individuals arrested and booked on felony or full-custody misdemeanor charges.

When a foreign national is arrested or detained in the United States, legal requirements within the Vienna Convention on Consular Relations require the foreign national be informed of their right to consular notification and access, regardless of whether the individual is in the United States legally. A list of contact information for embassies and consulates within the United States is available online at the U.S. Department of State website.

Foreign Nationals have the option to decide whether they want consular representatives notified of the arrest or detention unless the foreign national is from a mandatory notification country.

SUMMARY: Procedures regarding immigration status of individuals arrested and booked into jail by TPD.

APPLIES TO: All police personnel.

DEFINITIONS:

FULL-CUSTODY ARREST – any arrest which involves booking procedures at a jail facility.

PROCEDURES:

1. Any time a foreign national is arrested or detained, they must be advised of their right to have their consular officials notified. For a list of countries requiring mandatory notification, go to the U.S. Department of State website:

<https://travel.state.gov/content/travel/en/consularnotification/QuarantinedForeignNationals/countries-and-jurisdictions-with-mandatory-notifications.html>

- a. If the foreign national requests consular notification or their country is on the mandatory list, notify the nearest consulate or embassy of the person's country without delay.
- b. Document all notifications and actions taken on the *Arrest and Booking Data (A&B) Sheet*.

2. Arresting officers processing a full-custody arrest shall document the arrestee's place of birth (POB) on the A&B. If other than the United States, ask for country and province, state, or territory.
3. If an officer has need to determine an arrestee or suspect's immigration status, they may make official inquiry through the following process:
 - 1) Contact Teletype and request an Immigration and Customs Enforcement (ICE) Criminal Alien Query (IAQ) through the National Law Enforcement Telecommunication Service (NLETS). If a hit is received or the arrestee's immigration status is questionable, contact the ICE/Enforcement and Removal Operations (ERO) Criminal Alien Program (CAP) Duty Phone (1-888-351-4024).
 - 2) Notify the jail personnel if ICE/ERO wants to place a detainer on the arrestee. The jail will contact ICE/ERO CAP to inform them that the arrestee is in their custody. An ICE/ERO representative will place the actual detainer on the individual.

REGULATIONS:

1. Anytime a foreign national is arrested or detained the initiating officer shall advise them of their right to Consular notification.
2. Officers shall not stop, question, arrest, or detain anyone solely because they are suspected of being in the United States illegally.
3. When booking arrestees into a jail facility, officers shall notify the facility's booking personnel when they conclude an arrestee is in the United States illegally or their status is questionable.
4. No personnel will be hindered from cooperating with federal agencies regarding the immigration status of any individual.

REFERENCES:

138 Att., *Handling of Foreign Nationals-Attachment*
141, *Wagoner/Osage County Arrests and Prisoner Transports*