

## **Recommended Revisions to Phoenix Police Department's Immigration Enforcement Policy**

The primary responsibility of local law enforcement is to ensure the public safety. To accomplish this, local police departments must have the confidence and trust of all people. It has never been, nor is it recommended, that the Phoenix Police Department take on immigration enforcement as a primary responsibility. The role of immigration law enforcement has always been, and should continue to be, the responsibility of the federal government.

In conducting this policy review, we considered the needs of the community, the Phoenix Police Department, and the safeguards afforded by the constitutional guarantees prohibiting discrimination and racial profiling.

We make the following recommendations to Police Chief Jack Harris:

- Phoenix Police Department officers shall not ask about a person's immigration status if that person is:
  - a victim of a crime, or
  - a witness to a crime, or
  - stopped for a civil traffic violation, or
  - involved in a domestic violence incident

In order to more effectively combat state and local crime, we recommend:

- Individuals who are arrested for committing a state or local crime shall be asked about their immigration status and, if determined to be here unlawfully, ICE shall be contacted.
- If there is probable cause to believe that a person has committed a state or local crime, the officer shall inquire about the person's immigration status, as one of the criteria for flight risk.
- If the officer has a reasonable basis to believe that the person apprehended is in the country illegally and that person is not arrested, the officer shall fill out an *Immigration Status* form and notify ICE.

The panel further recommends that the city conduct a periodic review of this policy to examine whether this policy requires modification to further protect the public safety and to measure the policy's impact on residents of the community. In order to assist in that evaluation, we recommend that copies of all *Immigration Status* forms forwarded to ICE be retained by the Phoenix Police Department.