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# KANSAS CITY, KANSAS POLICE

## GENERAL ORDER

ORDER NUMBER: 40.18

ISSUED DATE: 03/31/2017

EFFECTIVE DATE: 04/07/2017

RESCINDS: 01/30/2015

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SUBJECT: Undocumented Persons/Foreign Nationals

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REFERENCE:

CROSS REFERENCE:

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##### I. PURPOSE

- A. To establish Department guidelines for contact with undocumented criminal suspects.

##### II. GENERAL INFORMATION

- A. United States citizens are not required to carry evidence of citizenship such as birth or naturalization certificates.
- B. All aliens (resident and nonresident) present in the United States are required to carry valid immigration documents on their person at all times. Those documents are issued by the Department of Homeland Security (DHS) showing legal presence and admittance. This could be in the form of a permanent resident card in the case of an immigrant or a passport/visa (together) and permit allowing a student or visitor to be present in the United States. Most of these documents will have expiration dates and valid time periods of admission written on them.
- C. Nonresident cards also give the last date the alien may legally remain in this country.

##### III. CONTACT WITH UNDOCUMENTED PERSONS

- A. Officers of this Department have no lawful authority to enforce immigration laws.
- B. The involvement with undocumented persons by an officer of this Department is limited to situations independent of immigration enforcement, which is the responsibility of DHS.
  - 1. A violation of a state statute or local ordinance by the suspected undocumented person must have occurred.
  - 2. Lawful arrest for a violation of state statute or municipal ordinances is permissible.
  - 3. Contact made during an official police investigation is permissible.

- C. Whenever an officer comes into contact with a suspected undocumented person as a result of a criminal investigation of a violation of a state statute or municipal ordinance, the suspected person shall be treated as any other criminal suspect or interviewee. This includes advising the suspected unauthorized alien of his or her rights pursuant to the Miranda Decision. If the officer is unable to communicate with the suspect, an interpreter will be requested through dispatch.

#### IV. CONSULAR NOTIFICATION OF FOREIGN NATIONALS

- A. If an officer has reason to believe the arrestee is not a United States citizen, it must be documented in the arrest report narrative section that the officer asked the subject whether or not he / she is a U. S. citizen and the subject's reply.
- B. In order to comply with all United States Government treaty obligations regarding the arrest and detention of foreign nationals, it is required that when a foreign national (including undocumented persons) is arrested or detained, they must be advised of the right to have their consulate notified. A foreign national is any person who is not a United States citizen, including undocumented persons.
  - 1. In some cases, the consular officials must be notified of the arrest or detention of a foreign national, regardless of the foreign national's wishes.
  - 2. When a foreign national requests consular notification, a supervisor must be notified, who will then make the necessary consular notifications.
  - 3. Supervisors will refer to the web link on the Resources home page or the manual in each Division for procedures regarding Consular Notifications.
  - 4. The faxed documents and the fax confirmation will have the complaint number from the arrest placed in the upper right hand corner. The reports will then be forwarded as all other Departmental reports.

#### V. NOTIFICATION OF ICE

- A. When officers take a suspected undocumented person into custody for a violation of any state statute or a Unified Government ordinance violation, the arresting officer may advise Wyandotte County Detention personnel.
  - 1. The undocumented person shall be treated as any other prisoner during the arrest process, having the same rights and privileges as any other prisoner.
- B. Immigration authorities may be contacted in cases dealing with the smuggling or suspected smuggling of undocumented persons, along with any other unusual circumstances that would involve unauthorized aliens.

#### VI. COUNTERFEIT IMMIGRANT REGISTRATION CARDS

- A. Officers who encounter Alien Registration Receipt Cards (I-151, I-551, also called a "green card") shall seize such

cards and place the cards in property when there is probable cause that such cards are counterfeited.

- B. Officers will complete an investigative report detailing the circumstances of how they came into contact with the false identification and who the counterfeited card was seized from, and any other pertinent, useful information. Officers will write "forward to Immigration and Customs Enforcement" on the top of the investigative.