

ACRAB Survey Results Highlights

Total responses received: 34 out of 134 = 25%

Question 1. [If an individual is not arrested, but contact is made during an investigative or traffic stop, what information does your agency keep concerning the contact?]

3 agencies (8.8%) do not keep any information during an investigative or traffic stop contact.

11 agencies (32%) keep information on ethnicity of person contacted.

1 agency (2.9%) keeps info re immigration status of person contacted.

2 agencies (5.9%) keep info re whether ICE was contacted.

26 agencies (76.5%) keep the date, time and location of contact.

Question 2. [If an individual is arrested, what information does your agency keep concerning the arrest?]

31 agencies (91%) keep information on the reason for the initial contact.

32 agencies (94%) keep information on the reason for the arrest.

27 agencies (79%) keep information on the ethnicity of the arrestee.

12 agencies (35%) keep information on whether ICE was contacted.

Question 3. [If your agency conducts a search, what information does your agency retain concerning the search?]

27 agencies (79%) keep information on the grounds for the search.

14 agencies (41%) keep information on the ethnicity of the person searched.

4 agencies (11.7%) keep information on the immigration status of the person searched.

5 agencies (14.7%) keep information on whether ICE was contacted.

21 agencies (61.8%) keep information on whether search was consensual.

Question 4. [If your agency does not regularly collect data as to searches and contacts, would your agency be willing to implement a data retention policy for these areas?]

14 agencies (41%) said yes.

4 agencies (11.7%) said no.

16 agencies (47%) skipped the question.

Question 5. [Does your agency have a policy of routinely inquiring as to immigration status during contact with crime victims?]

6 agencies (17.6%) said yes.

25 agencies (73.5%) said no.

Additional notes:

An agency stated that “The officer should consider when or whether to investigate immigration status in light of the need for suspect, victim and witness cooperation in any investigation.”

An agency stated “Officers should exercise discretion in making immigration status inquiries during consensual contacts or with victims and witnesses of crime. In order to avoid perceptions of bias based policing (including racial profiling) during consensual contacts, officers should be consistent in asking persons for their identification. In no event shall race, color or national origin play any role in an officer’s decision to inquire about immigration status in consensual encounters.”

An agency stated that its policy prohibits inquiring into immigration status if it will hinder an investigation and discourages inquiring on immigration status unless such status is necessary based on the nature of the investigation.

An agency stated that it does not routinely ask that question, per its policy.

An agency stated that it uses Lexipol.

Question 6. [Does your agency have a policy of routinely inquiring as to immigration status during contact with crime witnesses?]

4 agencies (11.7%) said yes.

27 agencies (79%) said no.

Additional notes:

An agency stated that “The officer should consider when or whether to investigate immigration status in light of the need for suspect, victim and witness cooperation in any investigation.”

An agency stated “Officers should exercise discretion in making immigration status inquiries during consensual contacts or with victims and witnesses of crime. In order to avoid perceptions of bias based policing (including racial profiling) during consensual contacts, officers should be consistent in asking persons for their identification. In no event shall race, color or national origin play any role in an officer’s decision to inquire about immigration status in consensual encounters.”

An agency stated that its policy prohibits inquiring into immigration status if it will hinder an investigation and discourages inquiring on immigration status unless such status is necessary based on the nature of the investigation.

An agency stated that it does not routinely ask that question, per its policy.

Question 7. [Does your agency have a policy of routinely inquiring as to immigration status of: non-arrested contacts, arrested suspects]

3 agencies (8.8%) have a policy with regard to non-arrested contacts.

19 agencies (55.8%) have a policy with regard to arrested suspects.

15 agencies (44%) skipped the question.

Additional notes:

An agency stated “Only if the officer has a lawful stop and develops reasonable suspicion.”

An agency stated if during a lawful stop or detention and the officer subsequently develops a reasonable suspicion.

An agency stated “Immigration status is required for all arrested persons. Immigration status may be requested if officer has reason to believe that the person is unlawfully present in the United States.”

Question 8. [Would your agency be willing to adopt a policy prohibiting officers from inquiring as to immigration status of: crime victims, crime witnesses, non-arrested contacts, suspects]

9 agencies (26%) would adopt policy with regard to crime victims.

9 agencies (26%) would adopt policy with regard to crime witnesses.

4 agencies (11.7%) would adopt policy with regard to non-arrested contacts.

3 agencies (8.8%) would adopt policy with regard to arrested suspects.

24 agencies (70.6%) skipped the question.

Additional notes:

An agency stated “Officers are already provided direction in our current policy on what direction to take.”

An agency stated “Why would we?”

An agency stated “Law Enforcement Officers and their respective agencies are mandated to uphold the United States Constitution, the Constitution of the State of Arizona, the laws of the State of Arizona, and those of their local jurisdiction. We cannot adopt a policy that contradicts any portion of the aforementioned mandates, regardless of our personal or professional opinion to the contrary.”

An agency stated “Compliance with current state law is required. There are times when it is necessary to inquire on immigration status based on the nature of the investigation (ie: human smuggling, kidnapping, extortion, etc).”

An agency responded “No, because other than for arrested suspects the immigration status is not a factor when someone is a victim, witness, or is merely contacted during a non-arrest contact. Arrest situations, on the other hand, require that officers determine the immigration status for release purposes.”

An agency responded “Any such policy would violate 1070.”

An agency stated “Current policy consistent with federal and state statutes and is adequate as it stands until such time as proved otherwise via court actions.”

An agency stated “The policy will be dependent on laws and regulations.”

An agency stated “Immigration status of [crime victims, witnesses, and non-arrested contacts] is not mandated by law.”

An agency stated “This is addressed in our current policy.”

An agency stated that it would not adopt policy, even though it does not routinely conduct these inquiries. It said that adopting such a policy would interfere with the performance of the Deputy's duties.

An agency stated "We already do."

An agency stated "We currently have a policy that addresses the non-enjoined requirements of immigration status checks as enacted by SB 1070."

An agency stated "You can't lock yourself into rules that may or may not overrule state and federal laws with policy as it relates to contacts and arrested parties. Policy does not overrule laws, and civil suits on policy alone are easily defeated. As for witnesses and or victims, it is not relevant whether you are in the U.S. legally or not, it only matters that you're a victim or a witness and the police department is here to help in your situation and the police can be trusted."

An agency stated "With regards to arrested suspects, immigration status alone is a part of booking information. We would not inquire as to other individuals as a part of day to day operations."

An agency stated "If there is a question that surfaced during contact regarding citizenship, yes, I do believe there is a need to question contacts related to immigration status. I do think that prohibiting the informational technique from being used by officers only opens doors to immigration laws being useless. Further, these immigration inquiries should only be limited to legitimate situations where real questions arise."

Question 9. [Does your agency have a procedure for handling complaints concerning racial profiling?]

5 agencies (14.7%) do not have policy.

25 agencies (73.5%) do have a policy.

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