



Colorado Springs Police Department General Order

305 Immigration and Foreign Nationals

Section 300 – Special Populations

Effective Date: 7/31/2025

Supersedes Date: 6/8/2023

.01 Purpose

The purpose of this directive is to establish guidelines for interactions involving immigration matters and foreign nationals and to ensure compliance with state, federal, and international legal obligations.

.02 Cross Reference

[GO 330 Diplomatic and Legislative Immunity](#)

[DL-305-01 Persons with Limited English Proficiency](#)

[RID-20 Computerized Criminal History Files](#)

.03 Discussion

The Colorado Springs Police Department is committed to upholding the rights of all individuals, regardless of immigration status, and complying with all binding statutory and case law related to foreign nationals.

.04 Policy

Officers will not arrest; detain; deny or delay release from custody on the basis of a civil immigration detainer or a request. Officers will not take law enforcement action based on actual or perceived immigration status. Department members will not request, collect, or share information about an individual in violation of Colorado law. Department members will ensure appropriate notifications and actions related to arrest, death, or serious injury of foreign nationals and requests for asylum.

.05 Definitions

Civil Immigration Detainer: A request for federal immigration enforcement to law enforcement officers to arrest or detain an individual or to maintain custody of an individual beyond the time

when the individual is eligible for release from custody, including a request for law enforcement agency action, warrant for arrest of alien, order to detain or release alien, or warrant of removal or deportation on a form promulgated by federal immigration enforcement authorities. (CRS § 24-76.6-101)

Foreign National: For the purposes of consular notification, a foreign national is any person who is not a U.S. citizen, regardless of immigration status. This includes individuals who are lawfully present in the U.S. (such as lawful permanent residents or visa holders) as well as those who may be unlawfully present. Immigration status, state-issued identification, or possession of a green card does not alter their classification as foreign nationals. For clarity and consistency, the term “foreign national” will be used throughout this policy.

Immigration Enforcement Operations: Means an operation in which the primary objective is the identification or apprehension of a person or persons to: a) subject them to civil immigration detention, removal, or deportation proceedings, or removal or deportation from the United States or b) criminally prosecute them for offenses related to their immigration status. (CRS § 24-76.6-101)

Secure and Verifiable Document: Means a document issued by a state or federal jurisdiction or recognized by the United States government that is verifiable by federal or state law enforcement, intelligence, or homeland security agencies. (CRS § 24-72.1-102)

.10 Requesting or Collecting Information

Department members shall not inquire into, or request information or documents to ascertain, a person’s immigration status for the purpose of identifying if the person has complied with civil or criminal federal immigration laws. The exception to this prohibition that is applicable to the department is when it is required by state or federal law.

Department members shall not request nor collect the following information about a person unless it is required by state or federal law or to perform required duties: a) place of birth b) immigration or citizenship status c) information from passports, permanent resident cards, alien registration cards, or employment authorization documents.

To “perform required duties” includes the following actions:

- Collecting information for official purposes not related to immigration (e.g., name, DOB) when the only identification a person has is a passport, permanent resident card, or alien registration card.
- Collecting and using the information in the following systems, forms, and processes (because the department has deemed specific information necessary to perform required duties):

- The custody report in Mobile Field Reporting
- Human Resources background investigation process
- Criminal investigation case narratives when directly relevant to a criminal investigation; and
- Missing persons report

.15 Information Sharing

Department members shall not make accessible or disclose the personal identifying information (PII) of an individual that is not publicly available for the purpose of identifying if the person has complied with civil or criminal federal immigration laws. The exception to this prohibition is when it is required by state or federal law, court subpoena, judicial warrant, or judicial order.

.20 Immigration Enforcement

Officers shall not arrest; detain; deny or delay release from custody on the basis of a civil immigration detainer or other request. Officers are only authorized to hold a person the amount of time needed for the CSPD contact.

Under CRS § 24-76.6-102(2), “detain” includes the denial or delay of release from custody for immigration enforcement operations or for immigration enforcement purposes.

Officers will not assist in arrests, take custody, transport, provide guard duty, or take any other action related to immigration enforcement that may be considered detaining or arresting an individual for immigration violations.

Allowable Actions

While it prohibits sharing of PII and officers arresting; detaining; denying or delaying release related to immigration, Colorado law does not preclude the department from taking other police actions, including but not limited to:

- Being present during immigration enforcement operations
- Performing duties related to public safety during such operations (e.g., scene security, traffic safety).
- Addressing criminal conduct or traffic violations that occur during or in proximity to immigration operations as long as the officer’s response is based on violation of criminal or traffic laws and ordinances, not immigration status.
- Assisting with or executing criminal arrest warrants, search warrants, or court orders.

Civil Immigration Detainers and NCIC Entries

The “immigration violator file” is a separate NCIC file from the “wanted persons” file. CSPD officers will not hold, detain, or arrest a person based on an NCIC entry from the immigration violator file. Officers will not take any action to confirm the information in the immigration violator file nor will they notify another entity, including ICE, of the NCIC information or information about the individual.

The immigration violator file in NCIC has several possible entries, including those that specify the following:

- Outstanding Administrative Warrant of Removal
- Outstanding Administrative Warrant of Arrest for Immigration Violations for Failure to Comply with National Security Registration
- Subject is a Deported Criminal/Aggravated Felon

Criminal Judicial Warrants

If an NCIC hit pertains to a criminal warrant, it will specify “Criminal Warrant” in the NCIC entry. Information about criminal warrants is found in the “wanted persons” file in NCIC. An arrest warrant for criminal offenses is handled in accordance with department directives, and is confirmed by Records Section personnel as described in [RID-20 Computerized Criminal History Files](#).

.25 Non-Secure and Verifiable Document

The Colorado Department of Revenue is authorized to issue a driver’s license, minor driver’s license, instruction permit, or identification card to an individual who is not lawfully present in the United States; but the license, permit, or card is not considered a secure and verifiable document. The Colorado Department of Revenue will place the phrase, “Not valid for federal identification, voting, or public benefit purposes,” clearly displayed on the face of these documents and in the machine-readable zone of the documents. (CRS § 42-2-505)

Circumstances may arise where a peace officer will have to rely upon an identification card that is not a secure and verifiable document in order to identify an individual. A peace officer who, in the performance of the officer's duties, utilizes identification that is not secure and verifiable must adhere to the following procedures (CRS § 24-72.1-105(2)):

- Gathers all information from such identification; and
- If feasible, according to any applicable law enforcement agency guidelines, gathers fingerprint information from such person and stores such fingerprints for at least one year as a criminal justice record

Therefore, an officer issuing a criminal summons, either misdemeanor or felony, who identified the suspect using an identification card considered not secure and verifiable should ensure the individual is fingerprinted and photographed prior to being released.

.30 When Arresting Foreign Nationals

All local, state, and federal law enforcement entities are obligated under international treaties to notify certain foreign authorities when foreign nationals are arrested or detained (as explained in the section below) in the U.S. The requirements for consular notification apply to all foreign nationals, regardless of their visa or immigration status. People who are in the U.S. illegally have the same rights to consular notification/assistance as do people lawfully within the country.

The U.S. Department of State (DOS), Bureau of Consular Affairs maintains an up-to-date Consular Notification and Access Manual online at <http://travel.state.gov/CNA> for reference. The requirements can be summarized as 1) advisement of the right to consular notification, 2) notifying the appropriate consulate, and 3) allowing access.

Because Colorado law limits department members' ability to request or collect citizenship status, an officer may not know a person is a foreign national. Officers are only required to take actions related to consular notification if they know a person is a foreign national (e.g., the person says they are without being asked).

Advisement of Right to Consular Notification

The DOS requires whenever a foreign national is arrested or detained, they must be informed without delay that they may communicate with their consular officers. Detention in this context is generally understood to cover situations in which a foreign national's ability to communicate with or visit consular officers is impeded as a result of government action limiting the foreign national's freedom. This does not include situations in which the foreign national is only briefly detained, as in the case of a traffic citation, accident investigation, or temporary investigative stop that results in the release of the individual to carry on with their normal business.

The Miranda Warning and the advisement of the right to consular notification are separate and distinct requirements of a custodial interrogation of a known foreign national. A custodial interrogation does not need to stop if the foreign national requests that consular officers be notified of the detention. The two rights do not need to be administered simultaneously, although that may occur.

Officers should ensure the individual understands the notification. The DOS website has several written examples of the notification in multiple languages that can be downloaded and printed to use as a reference.

If an officer notifies a foreign national of their right to consular notification, it should be documented in the case report, along with the foreign national's response.

Notification of Consulate

There are 56 countries that require mandatory notifications regardless of the preference of the foreign national, as of the active date of this directive. These countries are listed on the DOS's website <http://travel.state.gov/CNA>. All other foreign nationals have the option to have consular representatives notified of their arrest or detention.

The DOS guidelines require that notification to the consular's office should occur within 24-72 hours. However, some of the countries on the mandatory notification list require notification "immediately." Usually, notification can be completed and proven by sending a fax to the appropriate consulate. Current contact information and a standard fax form is available on the DOS website. If a notification is made, it should be documented in the case report, and the officer should include the proof of notification and the fax transmission confirmation page.

When CSPD arrests and books a foreign national into the El Paso County Criminal Justice Center (CJC), the El Paso County Sheriff's Office (EPSO) will arrange for all the proper notifications in accordance with their established policies. CSPD officers will generally not be required to make such notifications, except under circumstances that significantly delay booking the person into CJC, such as hospitalization of an arrestee. Foreign nationals who are arrested by CSPD but admitted and guarded at a hospital pending booking into CJC will require the investigating officer or the assigned investigations unit to complete the consular notification process. The duty lieutenant may be consulted for guidance.

Allowing Access to Arrestee

The arrestee may communicate with their consular officer and may request consular access at any time, even if they previously declined contact.

Foreign consular officials have the right to visit their arrested nationals, subject to local laws and regulations regarding access to detained persons. For people being booked into CJC, all such visitations will be facilitated by the El Paso County Sheriff's Office.

.35 Death or Serious Injury of a Foreign National

If a foreign national is not arrested but is seriously injured and incapacitated in a manner that would prohibit them from contacting a consulate, an officer may make consular notification if they believe it is in the best interest of the person (e.g., their family is believed to be in the homeland). If a person may become alert enough to confirm whether they want the consulate notified within 24-72 hours, an officer may wait for them to make the decision.

In circumstances leading to the death of a foreign national that is not a homicide, the El Paso County Coroner's Office will complete most consular notifications if deemed appropriate in accordance with their policies and procedures. If the foreign national is a homicide victim, the Violent Crimes Lieutenant or designated lead case detective will ensure consular notification occurs as necessary.

.40 Requests for Asylum

The U.S. Citizenship and Immigration Services (CIS) may grant asylum to foreign nationals who have been persecuted or fear they will be persecuted on account of race, religion, nationality, and/or membership in a particular social group or political opinion.

The process of obtaining asylum can be lengthy and requires the foreign national to apply and follow steps required by the federal government. Information for someone wanting to obtain asylum can be found on the [CIS website](#). Officers may refer people seeking asylum to this information.

In the rare circumstance an officer receives a request for asylum with exigent circumstances placing the individual in immediate fear of kidnapping and forced repatriation to their homeland, a supervisor or duty lieutenant will be immediately notified. The supervisor and officers will determine the circumstances and assess the immediacy of the risk. If the individual is at risk of immediate harm as described, officers may, upon consent of the individual, transport the person to a CSPD facility. It is important to note this is not a custodial arrest, and the foreign national should not be detained in any manner suggesting an arrest. The individual is always free to leave. The duty lieutenant should contact the local on-call duty agent of the Federal Bureau of Investigation to brief them on the circumstances and determine which federal agency, if any, will take the lead assisting the individual.

Under no circumstances should a department member advise a consulate officer or other foreign government authority that a foreign national has requested asylum.