



**Maryland-National Capital Park Police  
Prince George's County Division**



**DIVISION DIRECTIVE**

TITLE <b>IMMIGRATION PROCEDURES</b>			PROCEDURE NUMBER <b>PG411.0</b>
SECTION <b>Operational Procedures</b>	DISTRIBUTION <b>A</b>	EFFECTIVE DATE <b>01/01/20</b>	REVIEW DATE <b>05/01/21</b>
REPLACES <b>New Directive</b>			
RELATED DIRECTIVES	REFERENCES	AUTHORITY  <i>S.R. Johnson</i> <b>Chief Stanley R. Johnson</b>	

**I. POLICY**

The Division's policy is to treat all individuals with respect, compassion, courtesy, and equality, regardless of citizenship or immigration status. The Department shall provide services to all persons and exercise its duties in conformity with all applicable Federal, State, and local laws, regardless of the person's citizenship status, nationality, race, or ethnicity.

**II. DEFINITIONS**

- A. United States Immigration and Customs Enforcement: United States Immigration and Customs Enforcement (ICE) is the federal law enforcement agency under the Department of Homeland Security (DHS) responsible for enforcement of federal laws related to border control, customs, trade, and immigration.
- B. Foreign National: A person who is a citizen of any country other than the United States.
- C. Administrative Warrant: An administrative (civil) warrant is issued by an immigration official for suspected violations of immigration laws. An administrative (civil) warrant does not include a criminal warrant signed by a judge or magistrate, and it shall not be used by officers of the Division as the basis to detain or arrest a person.

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**III. PROCEDURES**

A. General

1. Warrants for deportation and removal are civil in nature, not criminal.
2. The enforcement of civil federal immigration laws falls exclusively within the authority of ICE. Thus, state and local law enforcement officers do not have legal grounds to stop, detain, search, or arrest an individual based solely on an administrative (civil) warrant, unless they have been deputized by ICE to do so. See 8 U.S.C. Section 1357(g) (Cooperation Agreements). This Division has not and does not intend to be deputized.
3. Local governments may adopt policies prohibiting their officers and employees from inquiring about a person's immigration status except where required by law. (See 8 U.S.C. Section 1373;  
[http://www.marylandattorneygeneral.gov/Reports/Immigration\\_law\\_Guidance.pdf](http://www.marylandattorneygeneral.gov/Reports/Immigration_law_Guidance.pdf).)

B. Traffic Stops and Citizen Contacts (Prohibited Actions)

1. Officers of this Division shall not initiate an investigation or otherwise take law enforcement activities solely based on the actual or perceived immigration status, including the initiation of a stop, apprehension, arrest, or any other field contact.
2. Persons are not required to prove their citizenship status, country of origin, or information related to their immigration status in the United States. An officer shall not request identification for the sole purpose of determining a person's immigration status.
3. A traffic stop may not be prolonged, and an individual may not be detained solely for questions related to a person's immigration status.
4. When persons are being interviewed about potential traffic or criminal offenses, questions about their immigration status shall not be part of routine questioning.

C. Administrative (Civil) Immigration Warrants

1. Warrants for deportation are civil in nature, not criminal.
2. When an officer receives information in the NCIC database on a person, the officer must attempt to determine whether the warrant is an administrative (civil) warrant. To make this determination, the officer must review the introductory message at the beginning of the "notice" from NCIC. If it is administrative in nature, it will contain the language:
  - SUBJECT HAS AN OUTSTANDING ADMINISTRATIVE WARRANT OF REMOVAL/DEPORTATION FROM THE UNITED STATES, or
  - SUBJECT HAS AN OUTSTANDING ADMINISTRATIVE WARRANT OF ARREST FOR IMMIGRATION VIOLATIONS

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3. Should it be determined from the NCIC database and/or any further inquiry that a person has an administrative (civil) immigration warrant, officers shall immediately release the person. However, the officer **shall not** notify ICE.
4. If an officer is unable to determine the nature of the warrant, the officer shall promptly contact his/her shift commander for consultation and a final decision. The Shift Commander shall exercise due diligence to determine the existence of an administrative (civil) warrant, and, if necessary, detain the individual for a reasonable amount of time until such determination can be made. For purposes of this policy, a reasonable amount of time shall not exceed sixty (60) minutes, in accordance with routine NCIC "hit" confirmation procedures. Once the shift commander concludes that an administrative (civil) immigration warrant exists, the person immediately shall be released. A field contact record detailing the incident must be completed.

#### D. Criminal Immigration Warrants

1. When a criminal immigration warrant is located in the NCIC database during a traffic stop or an investigation, the individual will be detained, and confirmation with ICE will be made.
2. Before any further detention, arrest, or search (incident to arrest) is made, it must be confirmed that the warrant is both active and is for a criminal offense.
3. If ICE is unable to immediately determine the nature of the warrant, the officer shall promptly contact his/her shift commander for consultation and a final decision. The Shift Commander shall exercise due diligence to determine the existence of a criminal warrant, and, if necessary, detain the individual for a reasonable period until such determination can be made. For purposes of this policy, a reasonable period shall not exceed sixty (60) minutes, in accordance with routine NCIC "hit" confirmation procedures.
4. Upon confirmation from ICE that a criminal immigration warrant exists, the person shall be arrested and processed in accordance with Divisional Directive PG1010.0 "Temporary Detention and Processing Procedures, Adult Arrest Procedures." A report detailing the incident must be completed.
5. If, after a thorough investigation that involves the consultation of the shift commander, concludes with no determination as to the existence of a criminal arrest warrant, the incident shall be documented on police information report.
  - **NOTE:** See Appendix A for sample NCIC "notice" results for administrative (civil) and criminal ICE warrants.

#### E. Assisting Federal Authorities

1. Officers are permitted to assist ICE officers and employees when the primary focus of a federal investigation is not immigration violations. Examples include but are not limited to: customs violations, money laundering, narcotics cases, gang crimes, human trafficking terrorist activities, and execution of a criminal warrant or court order issued by a federal judge or

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magistrate.

2. All operational requests for assistance made by ICE or other immigration officials that do not have a nexus to criminal activity will require the approval of the Chief of Police, on a case-by-case basis.
3. Nothing in this order prohibits officers from responding to or remaining on the scene of any federal criminal law enforcement investigation, or to assist an officer or public safety.

#### **F. Contact Information**

1. United States Immigration and Customs Enforcement (ICE)  
Law Enforcement Support Center (802) 872-6020;  
Baltimore Field Office (410-637-4000).
2. United States Department of State:  
24-hour Operations Center (202) 647-1512.

## **IV. GOVERNING LEGISLATION & REFERENCE**

This Divisional Directive addresses:

Legislation:  
(CR 8-303 of the Maryland Annotated Code)

Reference:  
Santos v. Frederick County Board of Commissioners  
Vienna Convention of Consular Relations (VCCR)

**End of Document**

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Appendix A  
Sample Results from NCIC  
**Inquiry**

SAMPLE RESPONSE FROM NCIC INQUIRY: ADMINISTRATIVE (CIVIL) WARRANTS

**Administrative Warrant of Removal:**

WARNING REGARDING FOLLOWING RECORD - SUBJECT HAS AN OUTSTANDING  
**ADMINISTRATIVE WARRANT OF REMOVAL** FROM THE UNITED STATES CONTACT  
LESC  
AT (877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION AND AVAILABILITY OF  
BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.

MKE/IMMIGRATION VIOLATION - FAILURE TO APPEAR FOR REMOVAL  
ORI/VTINS1000 NAM/SMITH, JOHN SEX/M RAC/W POB/FN  
DOB/19510101  
HGT/510 WGT/100 EYE/BRO HAI/BRO CTZ/FN SKN/DRK  
SMT/SC LF ARM  
SOC/777010000  
OFF/ALIEN UNLAWFULLY PRESENT DUE TO ORDER OF REMOVAL OR EXCLUSION FROM THE  
USA  
OCA/ASD1234-T MIS/KNOWN AS JOHNNY BOY  
ORI IS BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, LAW ENFORCEMENT  
SUPPORT CENTER (877) 999-5372  
NIC/N307770847 DTE/19980605 0000 EDT DLU/20090101 0600 EST  
\*\*\*\*\*THIS RECORD MAY BE USED ONLY BY CRIMINAL JUSTICE AGENCIES FOR CRIMINAL  
JUSTICE PURPOSES.  
\*\*\*\*\*END OF IMMIGRATION VIOLATOR FILE RESPONSE\*\*\*\*\*

**Administrative Warrant of Arrest:**

WARNING REGARDING FOLLOWING RECORD - SUBJECT OF NIC/N307770847 HAS AN OUTSTANDING  
**ADMINISTRATIVE WARRANT OF ARREST** FOR IMMIGRATION VIOLATIONS FOR FAILURE TO COMPLY  
WITH NS REGISTRATION. CONTACT LESC AT (877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION  
AND AVAILABILITY OF BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.

MKE/IMMIGRATION VIOLATION - NS REGISTRATION  
ORI/VTINS1000 NAM/SMITH, JOHN SEX/M RAC/W POB/FN  
DOB/19510101  
HGT/510 WGT/100 EYE/BRO HAI/BRO CTZ/FN SKN/DRK  
SMT/SC LF ARM  
SOC/777010000  
OFF/SOUGHT FOR VIOLATION OF NS REGISTRATION  
OCA/ASD1234-T MIS/KNOWN AS JOHNNY BOY  
ORI IS BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, LAW ENFORCEMENT  
SUPPORT CENTER (877) 999-5372  
NIC/N307770847 DTE/19980605 0000 EDT DLU/20090101 0600 EST  
\*\*\*\*\*THIS RECORD MAY BE USED ONLY BY CRIMINAL JUSTICE AGENCIES FOR CRIMINAL  
JUSTICE PURPOSES.  
\*\*\*\*\*END OF IMMIGRATION VIOLATOR FILE RESPONSE\*\*\*\*\*

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**Sample Response from NCIC Inquiry**

SAMPLE RESPONSE FROM NCIC INQUIRY: CRIMINAL ICE WARRANT

**One Example of a Criminal ICE Warrant:**

\*\*\*MESSAGE KEY ZW SEARCHES WANTED PERSON FILE FOLONY RECORDS REGARDLESS OF EXTRADITION AND MISDEMEANOR RECORDS INDICATING POSSIBLE INTERSTATE EXTRADITION FROM THE INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC PERSONS FILES ARE SEARCHED WITHOUT LIMITATIONS.

MKE/WATNED PERSON

EXL/1 - FULL EXTRADITION UNLES OTHERWISE NOTED IN THE IS FIELD

ORI/VTICE0900 NAM/TEST, TEST SEX/M RAC/W POB/EY

DOB/19000101 HGT/509 WGT/175 EYE/BRO HAI/BLK

SKN/LGT

MNU/PP-1234567 SOC/123456789

OFF/FRAUD - FALSE STATEMENT

DOW/20090114 OCS/2-M-TEST

VLD/20120411

MIS/**CRIMINAL WARRANT** IN VIOLATION OF TITLE 18 USC, SECTION 1542, FALSE STATEMENT

MIS/ON A PASSPORT APPLICATION; ISSUED BY THE US DISTRICT COURT, EASTERN

MIS/DISTRICT OF VIRGINIA

DNA/N

ORI IS ICE LESC 802-872-6020

DOB/19730515

AKA/TESTER, TEST

AKA/ALPHA, BET

MNU/PP-5678943

SOC/9854321

NIC/W123456789 DTE/20090115 1510 EST DLU/20120411 1301 EST

IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI