



IMMIGRATION STATUS

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I. POLICY

The department is committed to *cooperating* with federal immigration authorities as requested and/or in response to local matters to the extent permitted by law.

Members of the department *must* always provide equal enforcement of the law, regardless of immigration status. Racial profiling, the practice of stopping, detaining, or searching a person based solely on factors such as race, gender, age, color, citizenship, or ethnicity is strictly prohibited.

II. RESTRICTIONS AND PROCEDURES

This policy applies to all sworn officers, including those assigned to federal task forces.

1. Pursuant to the Immigration and Nationality Act and regulations promulgated by the Attorney General and the Secretary of the Department of Homeland Security, only officers and employees of U.S. Immigration and Customs Enforcement (ICE) may arrest persons for not being in compliance with federal immigration law.
2. *Police* officers may not *detain or* arrest an individual solely based on known or suspected violations of federal immigration law.
3. Officers *must* act upon an ICE criminal arrest warrant (signed by a judge for a criminal offense) that is entered into NCIC, based on confirmation of an active warrant through Teletype, as with any other criminal arrest warrant.
4. Officers *MAY NOT* detain or arrest an individual solely based on a U.S. Immigration and Customs Enforcement Administrative Warrant for Arrest of Aliens or Warrant of Removal/Deportation entered by ICE into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation (FBI). Anne Arundel County Officers *have no* authority to arrest persons on these civil warrants.
5. *Officers may not inquire about an individual's citizenship, immigration status, or place of birth during a stop, a search, or an arrest, while engaging in the performance of regular police functions, except:*
 - a. *Officers may make such inquiries when the questions are directly related to a criminal investigation.*
 - b. *If a person's citizenship or immigration status is directly linked to legal protections afforded to that person under State or federal law, officers may notify the person that those protections exist and allow the person to self-disclose their citizenship or immigration status to avail themselves of those protections or satisfy a legal requirement.*
6. *All arrests and detentions must be based on an open criminal arrest warrant, violations of Maryland law or violations of Anne Arundel County ordinance.* If a subject is lawfully detained (ie. traffic stop or criminal investigatory stop) and determined to have an ICE administrative Warrant of Removal/Deportation or Warrant for Arrest of Aliens through NCIC, and the subject is not going to be arrested on state and/or local charges

- a. *The subject may not be detained for longer than reasonable to complete the stop.*
- b. *The subject may not be arrested and the detention may not be extended based on the administrative warrant.*
7. When a subject is arrested for *an open criminal arrest warrant*, a violation of *Maryland* law or a violation of Anne Arundel County ordinance and it is determined through NCIC, the LiveScan process, or notification by ICE (fax, phone call, etc.) that the subject has an active ICE administrative Warrant for Arrest of Aliens, Warrant for Removal/Deportation, or Immigration Detainer, the arresting officer *is prohibited from taking any action* regarding the notification or the above documents. *None of these documents may accompany the prisoner to the Commissioner's Office.*
8. *Members of the police department may not disclose a subject's photograph or personal information with a federal agency seeking to enforce immigration laws, except when pursuant to a judicial warrant, when that person is not known to the federal agency. This does not prohibit members from responding to questions from federal agents regarding immigration status of persons already known to the federal agents.*

III. INCIDENTS INVOLVING ICE ENFORCEMENT

A police supervisor MUST respond to the scene for any calls for service involving ICE enforcement when the call is dispatched. The Anne Arundel County Police Department has no authority to intervene in official investigations of ICE.

When ICE agents are conducting operations in Anne Arundel County (i.e. serving an arrest warrant), they have agreed to notify police communications of the location and expected number of agents involved in the operation for awareness purposes only. In such instances:

1. *Communications must notify a working supervisor in the district(s) of occurrence.*
2. *Absent an emergency or other call for service, no police response is necessary based on this information, it is for awareness and de-confliction purposes only.*

IV. PROPONENT UNIT: Bureau of Patrol.

V. CANCELLATION: This directive cancels Index Code 606, dated *02-14-25*.