



HEADQUARTERS MEMORANDUM 13-02

File With: FC 520

Distribution: All

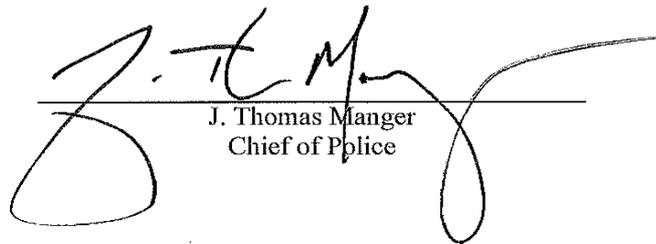
Date: 08-12-13

Subject: ICE Civil Warrants and Secure Communities

On August 7th, 2013, the United States Court of Appeals for the Fourth Circuit ruled that state and local law enforcement officers do not have legal grounds to stop, detain, search, or arrest any individual based solely on an ICE civil warrant, unless they have been deputized by ICE to do so. Officers must have a separate, arrestable offense in order to arrest any individual who is the subject of an ICE civil warrant.

Therefore, MCPD officers who receive a "hit" for an ICE civil warrant via NCIC will not use that information to stop, detain, search, or arrest any individual solely on the basis of the ICE warrant. Officers must have a legal reason (as listed in **FC 510, Adult Criminal Arrests**) separate from an ICE civil warrant in order to stop, detain, search or arrest any individual. Officers will not use the issuance of an ICE detainer after the fact to justify making an arrest based solely on an ICE civil warrant.

Officers are reminded that Montgomery County is a "Secure Community" through ICE, and that this designation alters certain parts of **FC 520, Dealing with Foreign Nationals**. Section IV of **FC 520**, paragraphs B, C, and D are no longer applicable, and should be disregarded. Officers will no longer notify ICE regarding the immigration status of an individual. Officers are still responsible for consular notifications when a foreign national is arrested, as stated in **FC 520, Dealing with Foreign Nationals**.



J. Thomas Manger
Chief of Police