



**OFFICE OF THE SHERIFF
CALVERT COUNTY**



Major T. D. Reece
Detention Center Administrator

**MIKE EVANS
SHERIFF**

Capt. D. P. Payne
Patrol Bureau

Capt. S. R. Jones
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Homeland Security Bureau

**Lt. Col. P.D. McDowell
ASSISTANT SHERIFF**

Capt. T. M. Ireland
Investigative Bureau

Capt. W. B. Parrott
Administrative &
Judicial Services Bureau

June 15, 2017

To: American Civil Liberties Union of Maryland
3600 Clipper Mill Road
Suite 350
Baltimore, MD 21211

Re: Maryland Public Information Act Request

To whom it may concern,

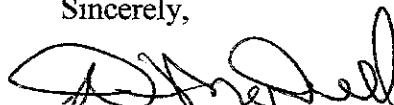
I am in receipt of your letter in which you request, "Any and all records issued before and after the January 25, 2017 Executive Order 13768, Enforcing Public Safety in the Interior of the United States."

Attached you will find Calvert County Sheriff's Office policies 9-204 through 9-205.13 with respect to, "Arrest of Illegal Aliens", and Calvert County Sheriff's Office policies 12-410 through 12-414.3 with respect to, License Plate Readers. Please note that these policies were in effect prior to the issue date of Executive Order 13768, and have not since been modified.

Please note that the Calvert County Sheriff's Office has every intention of complying with the MPIA. Therefore, in the event you believe I may have misrepresented any of your requests, please call my office at 410-535-1600 extension 2459 at your earliest convenience so we can discuss the matter.

In the event you wish to contest this response, pursuant to § 10-614(b)(3)(ii)(3), I must inform you that you may pursue judicial enforcement remedies under § 10-623.

Sincerely,


Lieutenant Colonel Dave McDowell
Assistant Sheriff

SEE 12-410 - 12414-3



OFFICE OF THE SHERIFF CALVERT COUNTY, MD

Subject: TRAFFIC ENFORCEMENT

Chapter 12

Affects: **ALL PERSONNEL**

EFFECTIVE DATE
January 29, 2009

Rescinds:

Amends: 12-508; 803 on 5/31/17

12-100 GENERAL TRAFFIC ENFORCEMENT POLICY

The goal of CCSO traffic enforcement activities is to reduce traffic accidents and injuries, and to promote the safe flow of motor vehicle and pedestrian traffic in Calvert County through voluntary compliance of traffic regulations. The CCSO seeks to achieve this objective through a combination of education, enforcement, and accident investigation duties.

It is the responsibility of all uniformed Patrol deputies, while on-duty, to enforce all traffic laws and regulations applicable within Calvert County. However, a large number of traffic arrests or citations is not the emphasis, nor the solution; the quality of the arrest or citation plays an integral part in the compliance of the motoring public with traffic regulations.

12-101 UNIFORM ENFORCEMENT POLICIES

Every Patrol deputy is responsible for maintaining a good working knowledge of the Transportation Article of the Code of Maryland, a copy of which will be provided to every deputy annually. Consistency is an essential element of any enforcement program. This policy is not intended to diminish the judgment of the deputy, but is intended to guide the deputy in the sometimes complicated, decision making process of traffic enforcement.

12-102 DRIVING UNDER THE INFLUENCE

Recognizing that the intoxicated individual who chooses to operate a motor vehicle represents a significant threat to the safety of others in Calvert County, the CCSO will strictly enforce violations where an intoxicated individual or an individual under the influence of a drug operates a motor vehicle.

12-103 DRIVING UNDER SUSPENSION

Generally, licenses are suspended or revoked for serious prior offenses. When deciding what enforcement action to take in these cases, deputies should check the driving record of the violator. In most cases a citation should be issued for these violations, and the operator will not be allowed to continue to drive the vehicle.

A deputy may make an on-view arrest of a person driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked. When deciding whether to issue a citation or make an on-view arrest, the deputy should take



- Escorts shall be terminated at the entrance of the designated cemetery.
- Escort deputies shall display the proper respect for the deceased and family members.

12-408 PARKING ENFORCEMENT

Deputies will enforce the parking provisions of the Transportation Article of the Code of Maryland through the issuance of Maryland Uniform Complaint and Citation.

In general, parking enforcement will have a lower priority than other patrol and traffic enforcement functions. Parking enforcement will concentrate on vehicles, which represent hazards to the free flow of traffic, or otherwise represent a safety hazard; and on violations of the prohibition against improper use of spaces reserved for the handicapped.

12-409 TRAFFIC SAFETY AWARENESS

The C.A.T. Supervisor is responsible for the Traffic Safety Awareness Program of the CCSO. In carrying out the program, the C.A.T. Supervisor will:

- Obtain appropriate materials for and operate a Traffic Safety Awareness program.
- Be alert for and seek out other opportunities to promote Traffic Safety Awareness.
- Be available to citizens of the County to verify the proper installation and use of child safety restraining devices.

12-410 LICENSE PLATE READERS (LPR's)

The identification of stolen vehicles, stolen license plates, and wanted and missing persons are the primary focuses of the LPR program. LPR technology uses specialized cameras and computers to quickly capture large numbers of license plate photographs and compares them to a list of plates of interest. The plates of interest are referred to as a "hot list." LPR systems can identify a target plate within seconds of contact, allowing law enforcement to identify target vehicles that may otherwise be overlooked.

LPR systems also record every license plate they scan and record the location, date, and time of each license plate read. The technology is available in mobile systems mounted on police vehicles and fixed camera systems that can be mounted on poles or on the roadside. The Calvert County Sheriff's Office currently only utilizes mobile systems. Mobile LPR systems are designed to allow officers to patrol at normal speeds while the system reads license plates they come in contact with and alerts them if there is a match to a "hot list."

The Maryland Coordination and Analysis Center (MCAC) houses an LPR System Operations Center, which is the central clearinghouse for all license plates scanned by LPR systems. The Operations Center is a data collection and reporting tool. All LPR system data collected by the Calvert County Sheriff's Office will be maintained on the Operations Center server at MCAC for a period of one year with strict access control and privacy protection in place. The Operations Center provides a database, inquiry tool, history tracking, and reporting for the entire LPR program. It manages and provides a storage and search structure for the license plate information being collected in the field.

Each individual LPR system used by the CCSO will retain all reads for approximately 30 days on the hard drive of the users Panasonic Tough Book. After 30 days, or the storage capacity on the hard drive has been met, the Panasonic Tough Book will automatically delete reads.



12-410.1 MISSION

The objective of the LPR program is to increase the safety on Calvert County roadways while reducing the impact of economic losses caused by auto theft and other vehicle-related crimes. The Calvert County Sheriff's Office is committed to increasing the detection of stolen vehicles, vehicles with revoked or suspended registrations, uninsured vehicles, vehicles operated by drivers with suspended or revoked licenses, other vehicle-related crimes that impact the safety of citizens, and finding wanted and missing persons.

The following establishes guidelines for the deployment, maintenance, training, and data storage associated with the usage of License Plate Recognition (LPR) systems by Calvert County Sheriff's Office personnel.

12-411 INSTALLATION AND MAINTENANCE

1. Mobile LPR systems will be installed in CCSO vehicles as determined by the Patrol Commander or his designee.
2. The Agency LPR Program Coordinator will arrange for the installation and maintenance of the LPR system equipment in CCSO vehicles.
3. The Patrol Commander or his designee must pre-approve the installation or transfer of any LPR system.
4. Any damage to LPR systems will be reported immediately according to established CCSO policy and procedures related to the loss of or damage to CCSO equipment. The LPR Program Coordinator will also be notified so that he can arrange for the system to be repaired.

12-411.1 LPR CLEANING AND MAINTENANCE

LPR equipment should be cleaned and maintained according to the manufacturer's recommendations.

12-412 LPR TRAINING

The LPR Program Coordinator will provide training to all users with assigned LPR Systems. No employee who has not received training will use an LPR system under any circumstances.

12-413 MOBILE LPR SYSTEMS

1. LPR equipment provides access to stolen and wanted files, and is also used in furtherance of criminal investigations. The use of LPR systems and access to its data requires a legitimate law enforcement purpose by a law enforcement officer. An *MCAC Request for Service* form must be completed and submitted when requesting LPR data.
2. No employee may use or authorize the use of the equipment or database records for any other reason.
3. Only those deputies who have been issued an LPR have their own personal log-in and password to enable them to access the system.
4. The LPR Program Coordinator will:
 - a. ensure that all systems are properly deployed and maintained;
 - b. ensure all required LPR program logs and records are properly maintained according to policy;
 - c. ensure all significant incidents and arrests that are related to LPR usage are properly documented; and



- d. ensure that all mobile LPR system equipment is inspected at least quarterly and documented on the employee's Vehicle Inspection Report. Any deficiencies will be immediately brought to the attention of the LPR Program Coordinator.
5. The mobile computer in the vehicle acts as a video monitoring center. This is the central clearinghouse for all license plates scanned by the mobile LPR system.
6. The user will ensure "hot lists" are updated at the beginning of each shift. The updated "hot list" will be transmitted to the LPR systems through an encrypted virtual private network (VPN).
7. All scanned LPR data will be transmitted to MCAC through an encrypted VPN.
8. All data scanned by the LPR system is transmitted to the mobile data computer inside the vehicle and checked against the daily "hot list." When an alarm is received alerting personnel of a positive "hit," a digital image of the license plate will be displayed on the mobile data computer screen for review.
9. Personnel who receive an alarm of a positive "hit" on a scanned license plate will compare the digital image of the license plate to the NCIC information to verify the "hit." Verified positive "hits" will be accepted by activating the "accept" alarm key on the video monitoring center screen. When an alarm does not result in a verified positive "hit," personnel will activate the "reject" alarm key. A positive "hit" alone does not establish probable cause. The hit must be confirmed prior to taking any enforcement action.
10. Personnel will provide the information by radio to the dispatcher, prior to taking enforcement action, who will immediately attempt to confirm the hit according to established policy.
11. Personnel assigned mobile LPR systems will be responsible for ensuring that all custom manual inputs have a legitimate law enforcement purpose. This option should only be utilized in cases where crimes (e.g. stolen vehicles, radio item broadcasts, etc.) are reported.

12-414 PATROL PROCEDURES

1. At the beginning of each shift, LPR users will visually inspect the exterior cameras to ensure the lenses are clear and the cameras have not been altered in any way.
2. LPR users should leave the LPR System operational while patrolling during the duration of the shift. The LPR application can be minimized in the background and can be constantly operational even when other applications are running.
3. When possible, LPR users should target areas where crime/traffic trends exist.
4. LPR users shall always be aware that the safe operation of their patrol vehicle is paramount.
5. When an LPR user is dispatched to a priority one call, he/she will pause the LPR system while responding to the call.

12-414.1 HIT VERIFICATION

1. At this time, the LPR system does not interface with real time METERS and NCIC data.
2. The information received from license plates that are recognized as positive "hits" is dated and may be up to 48 hours old.
3. Personnel must verify all positive "hits" through METERS and NCIC and follow all Agency policies and procedures.
4. The LPR system is ONLY to be used as an investigative tool. Confirmation is essential prior to a stop.



12-414.2 EMERGENCY OPERATIONS

1. During the course of normal law enforcement duties, incidents may occur that require immediate assistance. The LPR system can be a valuable tool in these situations, such as alerts, bank robberies, or other violent crimes and can help bring the incident to a safe and successful conclusion.
2. In the event of a critical situation with vehicle registration information, the deployment of an LPR system can maximize the coverage area to search for any vehicle involved.
3. LPR equipped vehicles should be directed to patrol areas which are likely to increase the chance of encountering the vehicle.
4. The duty officer will contact the MCAC LPR Program Administrator or designee, and request that the Operations Center's LPR server be searched to determine if any mobile or fixed LPR systems had previously encountered the target plate.

12-414.3 REPORTING

The LPR Program Coordinator is responsible for consolidating all LPR statistics into one monthly report. This information will be forwarded to the Patrol Commander by the 10th of each month. A copy will be retained by the LPR Program Coordinator.

All LPR reports shall be retained for a minimum of the current calendar year plus one year.

12-500 TOWING AND STORING VEHICLES

Disposing of vehicles abandoned, involved in accidents, or otherwise part of the many situations, which may be brought to the attention of a deputy is recognized as a routine function. It is, nevertheless, one which must be approached with a great deal of discretion. The result of misguided authority may be civil liability, or in the case of an investigation, inadmissible evidence. The inability to respond before the fact to all of the occasions where operating guidelines may be desirable is readily recognized; consequently, it is the purpose of the policy to offer direction, in a general way to the deputy, so that he may operate on a sound legal basis when disposing of vehicles that must be towed and stored. It must be understood that these guidelines, where they are not governed by statute, are intended to be flexible and allow for wide discretion by the deputy in those situations when a clear-cut procedure is not prescribed.

12-501 INVENTORY OF VEHICLES

Except where specifically noted otherwise in this policy, whenever any vehicle is towed by an Agency-dispatched towing service or taken into custody at the direction of a deputy, a *Vehicle Storage Report* will be initiated and the operator of the tow truck shall sign his name on the appropriate section of the form. His signature shall indicate formal acknowledgement that the vehicle was released to the custody of the towing business.

Since the primary purpose of having the vehicle towed to a place of storage is to protect property from loss or damage, the deputy will examine the vehicle prior to its removal by the tow truck and prepare an inventory of all property therein. The deputy shall also list on the *Vehicle Storage Report* form any pre-existing damage on the vehicle and shall photograph any significant pre-existing damage, and attach the photos to the *Vehicle Storage Report* form.

All property included in the inventory will be recorded on a *CCSO Property Record*, which will be attached to the *Vehicle Storage Report*. The same case number will be used for both reports. The tow truck operator will sign the *Property Record* containing the inventory list as an acknowledgement of the items remaining with the vehicle.



SEE 9-204-9-205-13



OFFICE OF THE SHERIFF CALVERT COUNTY, MD

Subject: ARREST & TRANSPORTATION OF PRISONERS

Chapter: 9

Affects: **ALL PERSONNEL**

EFFECTIVE DATE
January 29, 2009

Rescinds:

Amends: 9-706 on 5/31/17

9-100 ARREST

The law of arrest in Maryland is found in both common law and statute. Arrest is the taking into custody of a person. In order to constitute an arrest, there must be either a touching of the body (which may be of the lightest kind), or there must be notification of the purpose to arrest and submission.

Maryland law makes a basic distinction between a felony and a misdemeanor. Generally, the law allows a deputy to make an arrest without a warrant for a felony, but restricts the right for a misdemeanor.

All arrests call for probable cause to exist. Probable cause to arrest exists where the facts and surrounding circumstances justify a reasonable belief that a crime has been committed and that the person to be arrested has committed it.

All deputies who have been certified by the Maryland Police and Correctional Training Commission are authorized by law to make full custody arrests. That authority derives from the Criminal Procedure Article of the Annotated Code of Maryland.

The laws of arrest are very complex and it is not possible to cite every circumstance under which a deputy must act and to provide specific guidance. Of necessity, this information must be an overview of the law with explanations of key elements. Deputies will receive regular guidance in this area through written communications, briefings, and in-service training.

Specific information concerning traffic arrests will be found in Chapter 12, *Traffic Enforcement*. Information concerning an important related topic, interrogation of persons in custody, can be found in Chapter 15, *Criminal Investigation and Interrogation*.

9-101 USE OF DISCRETION

When making the determination whether or not to take enforcement action, deputies shall consider what is required by law and/or Agency policy; and what is in the best interest of the community and of the Agency. When exercising such discretion, deputies shall not consider prejudice based upon race, sex, ethnic origin, sexual preference, or any other social, cultural, or economic factor, or position in the community. Deputies shall remain fair, objective, and professional and shall not let emotions influence their actions. Deputies receive training on the subject of discretion and have access to supervisors for guidance when needed. The seriousness of the crime should always be considered.



should be placed at the end of the statement of probable cause as to why the person went before the commissioner in lieu of being released on the citation (See 9-202.4).

The deputy shall first determine if the charge carries a penalty of incarceration. If there is no penalty of incarceration, the deputy shall issue the citation to the defendant and release him on the scene.

If the charge carries a penalty of incarceration, the defendant will be transported to the Calvert County Detention Center where he will be processed. The deputy will complete the citation and sign it. Once the Detention Center has finished processing the defendant, the defendant will sign for the citation. It is the deputy's responsibility to ensure that the signed citation is picked up from the Detention Center and attached to the Case Report. In cases such as special events or unusual circumstances, a supervisor may authorize that defendants be issued criminal citations and be released on the scene.

If the defendant refuses to sign the citation, the deputy will then be required to submit a Statement of Charges and the defendant will go before the District Court Commissioner.

If the suspect has additional charges that are not covered in Appendix 4-B, then no citation will be completed. All charges will be done on a statement of charges.

The names and addresses of the Victims and Witnesses shall only be listed on the Case Report and not the citation. In every case, copies of the Uniform Criminal Citation and continuation sheet(s) shall be given to the defendant upon their release.

9-203 ARREST OF FUGITIVE FROM ANOTHER JURISDICTION

The Commander of the CIB or his/her designee will oversee all proceedings involving fugitives.

A deputy having prior knowledge of an individual in this jurisdiction being a fugitive will make every attempt to obtain a true test copy of the warrant prior to an arrest being made.

Whenever a deputy has contact with a person (adult or juvenile) for whom an extraditable warrant or writ from an agency outside the State of Maryland exists, the person, after verification, will be taken into custody as a fugitive from justice. If the suspect is arrested for committing an offense in Calvert County, the deputy will complete the standard arrest procedures.

If a sworn officer from another jurisdiction outside the State of Maryland presents a warrant, other charging document, or teletype for a person alleged to be in Calvert County and they want to attempt service, deputies of this Agency will assist. If there is any question regarding the warrant, it should be verified through METERS/NCIC. If an arrest is effected, the person will be turned over to this Agency where he/she will be charged as a fugitive and taken before a judicial Officer.

It is against both Agency policy and the law to turn over a prisoner to a demanding jurisdiction outside the State of Maryland without first completing the appropriate legal process.

9-204 ARREST OF ILLEGAL ALIENS

When a person is booked on any criminal charge and is also suspected of being an illegal alien, the arresting deputy will:

- Contact the U.S. Immigration and Customs Enforcement (ICE) to ascertain the individual's immigration status.
- If the information is available from Immigration and Naturalization Service, it will be included in the *Case Report*.
- Follow the steps on the "Arrest of Foreign Nationals" in section 205 of this chapter.

A deputy will not initiate an arrest merely to determine a suspect's alien status.

9-205 ARREST OF FOREIGN NATIONALS / CONSULAR NOTIFICATION & ACCESS REQUIREMENTS

It is the policy of the Calvert County Sheriff's Office to abide by the Vienna Convention on Consular Relations (VCCR) by making timely notifications when foreign nationals have been arrested or die within this county's jurisdiction.

The following pages summarize the basic requirements of consular notification and access to all federal, state, and CCSO officials in the performance of their official functions.

9-205.1 DEFINITIONS

Alien: See foreign national listed below.

Consular Officer: A citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in a foreign country.

Foreign National: For the purpose of this Order, a person who is not a United States citizen.

9-205.2 SUMMARY OF REQUIREMENTS PERTAINING TO FOREIGN NATIONALS

1. When foreign nationals are arrested or detained; they must be advised of the right to have their consular officials notified.
2. In some cases, the nearest consular officials *must* be notified of the arrest or detention of a foreign national, **regardless of the foreign national's wishes**.
3. Consular officials are entitled access to their nationals in detention, and are entitled to provide consular assistance.
4. When a government official becomes aware of the death of a foreign national, consular officials must be notified.
5. When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, consular officials must be notified.
6. When a foreign ship or aircraft wrecks or crashes, consular officials must be notified.

These are mutual obligations that also pertain to American citizens abroad. In general, you should treat a foreign national as you would want an American citizen to be treated in a similar situation in a foreign country. This means prompt, courteous notification to the foreign national of the possibility of consular assistance, and prompt, courteous notification to the foreign national's nearest consular officials so that they can provide whatever consular services they deem appropriate.



9-205.3 WHEN A FOREIGN NATIONAL IS ARRESTED OR DETAINED

1. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.
2. If the foreign national's country is **not** on the mandatory notification list, offer without delay, to notify the foreign national's consular officials of the arrest/detention. For a suggested statement to the foreign national, see **Statement 1** in Appendix 9-A. Translations of the statement into selected foreign languages can be found on the website, <http://travel.state.gov>, then go to "Law and Consular Notification."

If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay. Phone and fax numbers for foreign embassies and consulates in the United States, can also be obtained on the above website. A suggested fax sheet for making the notification is also included.

3. If the foreign national's country is on the list of mandatory notification countries:
 - a. Notify that country's nearest consular officials, without delay, of the arrest/detention. Phone and fax numbers can be obtained via the above website. You may use the suggested fax numbers, listed on the website, for making the notification.
 - b. Tell the foreign national that you are making this notification. A suggested statement to the foreign national is found in Appendix 9-A, **Statement 2**, and translations into selected languages can be obtained via the above website address.
4. Keep a written record of the provision of notification and actions taken.

9-205.4 COUNTRIES THAT DEMAND NOTIFICATION

1. Algeria
2. Antigua and Barbuda
3. Armenia
4. Azerbaijan
5. Bahamas
6. Barbados
7. Belarus
8. Belize
9. Brunei
10. Bulgaria
11. China (notification is not mandatory in the case of persons who carry a Republic of China passport issued by Taiwan)
12. Costa Rica
13. Cyprus
14. Czech Republic
15. Dominica
16. Fiji
17. Gambia
18. Georgia
19. Ghana
20. Grenada



21. Guyana
22. Hong Kong (notification should be made to the Republic of China)
23. Hungary
24. Jamaica
25. Kazakhstan
26. Kiribati
27. Kuwait
28. Kyrgyzstan
29. Malaysia
30. Malta
31. Mauritius
32. Moldova
33. Mongolia
34. Nigeria
35. Philippines
36. Poland (non-permanent resident only)
37. Romania
38. Russia
39. Saint Kitts and Nevis
40. Saint Lucia
41. Saint Vincent and the Grenadines
42. Seychelles
43. Sierra Leone
44. Singapore
45. Slovakia
46. Tajikistan
47. Tanzania
48. Tonga
49. Trinidad and Tobago
50. Tunisia
51. Turkmenistan
52. Tuvalu
53. Ukraine
54. United Kingdom (Anguilla, British Virgin Islands, Bermuda, Montserrat, the Turks and Caicos Islands)
55. U.S.S.R. (This no longer exists. Some nationals of its successor states may still be traveling on its passport.)
56. Uzbekistan
57. Zambia
58. Zimbabwe

Foreign nationals subject to mandatory notification requirements should otherwise be treated like foreign nationals not subject to mandatory notification requirements.

Privacy concerns, or the possibility that a foreign national may have legitimate fear of persecution or other mistreatment by his/her government, exist in some mandatory notification cases. The notification should still be honored, but it is possible to take precautions regarding the disclosure of information. For example, it may not be necessary to provide information about why a foreign national is in detention.

Under no circumstances should any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person's government.



9-205.5 EXEMPTIONS FROM ARREST

Foreign diplomats are immune from arrest or detention, prosecution, entering of residences, or subpoena. Note, however, that reasonable constraints may be applied in emergency circumstances involving self-defense, public safety or prevention of serious criminal acts. Diplomatic immunity extends to diplomatic agents, members of their administrative and technical staff, and to recognized family members. It does not extend to all staff, however.

The Patrol supervisor or Calvert Control can resolve a question concerning an individual's entitlement to diplomatic immunity, 24 hours a day, by contacting the U.S. Department of State.

Except in the case of a felony or breach of the peace, a United States Senator or Representative is exempt from arrest during attendance at the session of the respective house and in going to and returning from the same.

9-205.6 DUAL CITIZENSHIP

A person who is a national/citizen of two or more countries other than the United States should be treated in accordance with the rules applicable to each of those countries.

A person who is a citizen of the United States and another country may be treated exclusively as a U.S. citizen when in the United States. In other words, consular notification is not required if the detainee is a U.S. citizen. This is true even if the detainee's other country of citizenship is a mandatory notification country.

9-205.7 DEATH OF A FOREIGN NATIONAL

If federal, state, or local government officials become aware of the death of a foreign national in Calvert County, they must ensure that the nearest consulate of that national's country is notified of the death. This will permit the foreign government to make an official record of the death for its own legal purposes. For example, such notice will help ensure that passports and other legal documentation issued by that country are canceled and not reissued to fraudulent claimants. In addition, it may help ensure that the foreign national's family and legal heirs, if any, in the foreign country are aware of the death and that the death is known for estate purposes in the foreign national's country.

The above requirements are set out in Article 37 of the VCCR. Additional requirements may apply to particular countries because of bilateral agreements.

9-205.8 CONSULAR ACCESS TO DETAINED FOREIGN NATIONALS

Detained foreign nationals are entitled to communicate with their consular officers. The appropriate local officials must, without delay, forward any communication by a foreign national to the consular post of the national's consular representative.

Foreign consular officers must be given access to their nationals and permitted to communicate with them. Such officers have the right to visit their nationals, to converse and correspond with them, and to arrange for their legal representation. They must refrain from acting on behalf of a foreign national, if the national opposes their involvement. In addition, consular officers may not act as attorneys for their nationals.



The rights of consular access and communication generally must be exercised subject to local laws and regulations. For example, consular officers may be required to visit during established visiting hours. Federal, state, and local rules of this nature may not, however, be so restrictive as to defeat the purpose of consular access and communication. Such rules must enable full effect to be given to the purposes for which the right of consular assistance has been established.

The above requirements are set out in Article 36 of the VCCR. Additional requirements may apply to particular countries because of bilateral agreements.

9-205.9 TRAFFIC STOPS

When a foreign national is briefly detained on a traffic stop, cited and immediately released, consular notification is not relevant or necessary because the foreign national is free to contact consular officials independently. The Department of State therefore does not consider brief routine detentions, such as for traffic violations or accident investigations, to be the type of situation contemplated by the VCCR.

9-205.10 MIRANDA WARNING

Consular notification should not be confused with the Miranda warning, which is given regardless of nationality to protect the individual's constitutional rights against self-incrimination and to the assistance of legal counsel. Consular notification is given as a result of international legal requirements so that a foreign government can provide its nationals with whatever consular assistance it deems appropriate.

9-205.11 RECORDING

Deputies should complete a *Case Report* to show compliance with the above notification requirements. The report should show all notifications of foreign consular representatives. In addition, in cases in which notification is at the discretion of the detained foreign national, the report should show that the foreign national was informed of the option of consular notification, the date when the foreign national was so informed, and whether or not the foreign national requested that consular officials be notified.

The State Department from time to time receives inquiries and complaints from foreign governments concerning foreign nationals in detention. The Department in such cases may request information from the relevant law enforcement officials on whether consular notification was in fact given. Foreign consular officials may directly raise concerns about consular notification with the responsible agency. Good record keeping will facilitate responding to these inquiries and to any consular notification issued that may be raised in litigation.

9-205.12 IMPORTANT NUMBERS:

The Sheriff's Office recognizes that deputies have very few interactions with foreign nationals where arrest, detention or death notifications need to be made. However, deputies finding themselves in a situation where they need guidance on an issue with a foreign national, may contact the Department of State at the following numbers:

(202) 647-4415 During business hours

(202) 736-7559 Fax



(202) 647-1512 Urgent inquiries after normal business hours

Canadian Embassy (202) 682-1740 Fax: (202) 682-7726

El Salvadorian Embassy: (202) 331-4032 Fax: (202) 331-4036

Haitian Embassy: (202) 332-4090 Fax: (202) 745-7215

Korean Embassy: (202) 939-5634 Fax: (202) 342-1597

Mexican Embassy: (202) 716-1000 Fax: (202) 234-4498

Nigerian Embassy: (202) 986-8400 Fax: (202) 822-1562

Department Fax Sheet: When making notifications by fax, deputies should use Agency letterhead.

9-205.13 TRAINING:

Training on notification of foreign nationals is conducted at the Academy during recruit training. Because of the complexity and ever changing treaty requirement, training will be conducted by the Agency as needed. The sergeant of each Patrol squad will be required to present instruction on notification of foreign nationals at a roll call. All supervisors will ensure that their subordinates attend this block of instruction.

9-300 ARREST PROCEDURES

9-301 USE OF FORCE

It is the policy of the CCSO to use the minimum amount of force necessary to effect an arrest and overcome any resistance offered. The use of force must at all times be consistent with the policy described in Chapter 8.

When making an arrest of a person in a building, a deputy will knock on the door, identify himself or herself as a deputy of the CCSO there to make an arrest, and demand that the person inside open the door.

When a person to be arrested is only suspected to be at a location, and that location is not the arrestee's own property, a search warrant should be obtained to conduct a search for the individual to be arrested. The only exception is by written consent of the property owner.

The forcing of an outer door is generally so violent and dangerous that it will not be used except in exigent circumstances when an immediate arrest is necessary, such as:

- in the case of fresh pursuit; or
- the deputy has reason to believe that making the announcement may allow a suspect to escape, constitute a source of danger to other persons in the building or to the deputy personally, or may help the suspect destroy evidence.

