



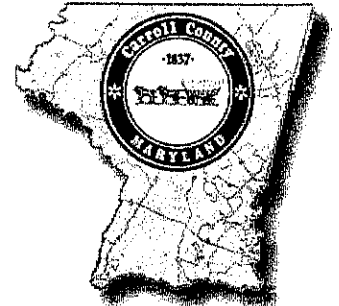
Colonel Lawrence R. Suther  
Chief Deputy

James T. DeWees  
Sheriff

# Office of the Sheriff Carroll County, Maryland

100 North Court Street  
Westminster, Maryland 21157

TTY: 711/800-735-2258



Colonel George R. Hardinger  
Warden

July 14, 2017

**Re:** 412 and 426 Policies  
**Requested by:** Nick Steiner, ACLU  
**Offense:** Policies

To whom it may concern:

The attached reports from the Carroll County Sheriff's Office have been reviewed, have met the criteria for release to interested parties, and are in compliance with Department policy. Therefore, by my signature, the request for release of information is granted.

If you have any further questions, or if we may be of further assistance, please call 410-386-2900. We are here to assist you.

Charles Rapp

Major Charles Rapp  
Support Operation Division  
Carroll County Sheriff's Office

Signature of Recipient

Time Stamp:

**SHERIFF'S SERVICES**  
Phone: 410.386.2900  
Fax: 410.876.1152  
Toll Free: 1-888-302-8924  
[www.carrollcountysheriff.com](http://www.carrollcountysheriff.com)



**DETENTION CENTER**  
Phone: 410.386.2628  
Fax: 410.857.1509  
Toll Free: 1-888-302-8826  
[www.carrollcountydetection.com](http://www.carrollcountydetection.com)



# Office of the County Sheriff

## Carroll County, Maryland

Kenneth L. Tregoning  
Sheriff

### OPERATIONAL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Foreign Nationals	412	09/01/14

**Policy:** All individuals have basic rights, which are set forth in common law, statutory law, and the Constitution. When dealing with foreign nationals, these rights and the rights set forth in the Vienna Convention and customary international laws must be observed.

**Purpose:** To establish procedures for the questioning and arrest of foreign nationals.

**Contents:**

- I. Questioning of Foreign Nationals or Foreign Speaking Persons
- II. *Arrest Procedures*
- III. *Vienna Convention on Consular Relations*
- IV. *Cancellation*

#### **I. Questioning of Foreign Nationals or Foreign Speaking Persons**

- A. Indiscriminate questioning of foreign speaking persons regarding their citizenship status, i.e., possession of a "green card", without a reasonable basis for suspicion must be avoided. Such questioning creates fear, suspicion, and distrust of law enforcement authorities.
- B. If a foreign national or foreign speaking person who is stopped for a traffic violation is not wanted for other charges and possess a valid permit, the individual must be treated the same as any other violator and not be subjected to arrest or further questioning because of nationality.
- C. Deputies have no statutory authority to arrest an illegal alien for violations of federal immigration laws. If an illegal alien is arrested, the basis of the arrest must rest solely on state or local traffic or criminal charges.
- D. Deputies do not have the authority to confiscate Permanent Residency "Green Cards" or Employment Authorization Cards issued by the Department of State without the express authorization of an Immigration and Naturalization Service, Department of Justice, (INS) Agent.



## II. Arrest Procedures (1.2.5)

When foreign nationals are arrested on either criminal charges initiated by the Sheriff's Office or traffic violations where a physical arrest is made, the following procedure must be adhered to after the completion of routine processing.

- A. The arresting deputy must notify the INS by telephone as soon as possible after the arrest and provide the following information:
- Full name of the arrested foreign national.
  - Date and place of birth.
  - When and where the foreign national entered the United States (if known).
  - Charges against the foreign national.
  - The Registered Alien File Number (this number appears on the "green" identification card issued to the foreign national and should be in the foreign national's possession). If no card is available, the INS agent must advise the deputy of what action to take.
- B. The arresting deputy must complete and submit an *Offense Report* (CCSO #089), or appropriate field report before the end of his/her tour of duty describing the facts and circumstances of the arrest and the following:
- A statement that the person arrested is in fact a foreign national.
  - The name of the INS agent and the date and time of notification.
  - Registered Alien File Number (if available).
- C. The INS may be contacted at the following telephone numbers:
- Normal business hours: (410) 962-7449.
  - After hours and weekends: (410) 752-4825 (This number is an answering service, ask for the duty agent).

## III. Vienna Convention on Consular Relations (1.2.5)

Certain provisions of the Vienna Convention on Consular Relations (1963) and customary international laws require that appropriate authorities of the United States, including state and local authorities, provide assistance to foreign consul officers in the performance of their duties.

- A. The United States is obligated under international treaties and customary international law to notify foreign authorities when foreign nationals are arrested or otherwise detained in the United States. Deputies must adhere to the following procedures:

- Immediately inform the foreign national of the foreign national's right to have the foreign national's government notified concerning the arrest or detention.
- If the foreign national requests that such notification be made, do so without delay by informing the nearest consulate or embassy.
- In the case of certain countries, such notification must be made without delay, regardless of whether the foreign national desires the notification.

**B.** The procedures set forth above **are required regardless of whether or not the Sheriff's Office initiated the charges or detention.** The responsibilities to notify the consulate or embassy are as follows:

- **Arresting Deputy:** All arrests, including individuals arrested on warrants issued to the Sheriff's Office.
- **Jailor:** Any defendant remanded to custody by the court.

**C.** If a deputy has reason to believe that an individual placed under arrest or remanded to custody is a foreign national the deputy must inquire if the individual is a United States citizen. If the individual advises that they are not a citizen, the deputy must either advise the foreign national of their right to have their government notified or if appropriate, make the mandatory notification. The Department of State suggests using the following statements when advising a foreign national of the notification:

**D. When Consular Notification is at the Foreign National's Option**

As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?

**E. When Consular Notification is Mandatory**

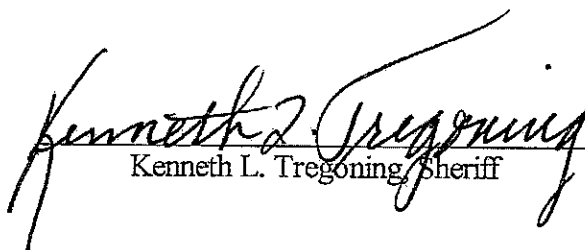
Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible.

- F. All notifications must be made by either telephone or fax. A manual issued by the Department of State, entitled "Consular Notification and Access" is maintained in the Warrant Section of the Sheriff's Office and at Central Booking. This manual contains the telephone and fax numbers of the embassies and consulates located in the United States, a list those countries requiring mandatory notification and the basic information the embassy or consulate will require.
- G. The deputy responsible for making the notification must complete and submit an *Offense Report* (CCSO #089), or appropriate field report prior to the end of his/her tour of duty describing compliance with the above notification requirements. If notification is made by fax, the faxed documents along with the fax receipt must be attached to the *Offense Report*.

IV. Cancellation

This directive cancels and replaces *Operational Procedure # 412 "Foreign Nationals" dated September 1, 2005; and supercedes* any other directives in conflict therewith.

AUTHORITY:

  
Kenneth L. Tregoning, Sheriff

9/10/14  
September 1, 2014

Index As:

Foreign Nationals



# Office of the County Sheriff

## Carroll County, Maryland

Kenneth L. Tregoning  
Sheriff

### OPERATIONAL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Homeland Security	426	09/01/14

**Policy:** To assist Federal and State Agencies in identifying and handling possible terrorist threats and suspects, members will be alert during daily patrols to the necessity of protecting homeland security. Patrols and NCIC inquiries identifying possible terrorist associations will be accomplished using the procedures identified in this directive

**Purpose:** To establish guidelines for uniformed patrol deputies that ensure consideration is given to protecting critical infrastructure, obtaining domestic security intelligence, and preventing and detecting acts of foreign or domestic terrorism.

**Contents:**

- I. General
- II. *Procedures*
- III. *NCIC Terrorism Responses*
- IV. *Cancellation*

#### I. General

Intelligence gleaned from government surveillance of extremist/terrorist chatter, as well as from interviews with captured extremist/terrorists, indicates that there may be emphasis on “soft” – i.e., lightly-defended – targets, such as public and government buildings and places where large numbers of people gather simultaneously; on multiple attacks against smaller targets to instill fear in the population; and on efforts to interrupt the electrical power grid and the supply of automotive and heating fuel and other critical materials.

- A. Attacks may come in any form, such as bombs and bomb threats, attacks with assault weapons, “dirty” and nuclear bombs, biological weapons, or conventional items such as airplanes or large trucks as weapons.
- B. Extremist/terrorist cells typically attempt to blend into communities, but they often provide signals of their presence. However, these indicators are likely to be subtle and not easily detectable.

## II. Procedures

Deputies will be alert to the fact that many persons associated with extremists/terrorist groups finance their daily activities through white-collar crime. Consequently, deputies will consider the possibility of extremist/terrorist group involvement when they investigate credit card fraud, the production and use of bogus prepaid phone calling cards, the production and sale of bogus designer clothing and other counterfeit goods, the passing of counterfeit money, tampering with public and other vital records, bank or mail fraud, telephone fraud schemes, visa and immigrations fraud, driver's license and title fraud, and other fraudulent plans.

- A. Document fraud is the lifeblood of an extremist/terrorist's secret existence. Deputies will scrutinize counterfeit or altered driver's licenses, vehicle registrations and license plates, and non-driver and other ID cards; numerous – but nonexistent – places of residence; and the possession of forged documents.
- Types of criminal activity in which members of extremist/terrorist groups engage may include weapons violations, theft – or the attempted illegal purchase – of firearms or explosives, possession of stolen property, sale of contraband cigarettes, money laundering, assassinations, bombings, and criminal syndication.
- B. Deputies on patrol will be aware of critical infrastructures in their patrol areas and of any suspicious activity in or near them – such as persons surveilling bridges, dams, defense contractors, National Guard or Army Reserve headquarters, government buildings, power plants, fuel depots, ports and harbors, large apartment complexes, living quarters frequented by members of the United States military, hotels, gun shops, arenas, symbolic targets of historical significance, and other possible extremist/terrorist targets – and will remain cognizant that such attacks are often planned well in advance.
- Reports of suspicious activity at any critical location may prove to be nothing at all, or they may be tests of the facility's security system(s) or of the police response. All such reports will be taken seriously and investigated thoroughly.
- C. Community and neighborhood policing strategies that utilize the public as additional “eyes and ears” are the first line of defense against extremists/terrorists, and citizens will be encouraged to report suspicious activities. Citizens making such reports will always be interviewed, as they may possess information that could trigger or add to an extremist/terrorism investigation.
- D. Extremists/terrorists usually have undergone training and are focused and committed to their cause; team-oriented rather than self-centered, able to exercise remarkable self-discipline, and well prepared to spend years waiting to strike with little or no regard for human life. Ambushes, as well as secondary explosive devices designed to detonate and kill or injure first responders to extremist/terrorist incidents, are common.
- Neighbors, real estate agents, bankers, delivery people and others may provide valuable information about behavioral indicators, such as groups of individuals who are strangers to an area and are living together in hotels, rooming houses, apartments or homes with no visible means of support;



- Unexplained spending, with no indication of employment; cash purchases of land or buildings in remote areas or of certain types of vehicles; acting secretly when communicating with associates; and surveilling targets and testing security systems or responder behavior.
- E. All leads and miscellaneous information will be appropriately documented for further study and will be passed along to appropriate parties, such as regional, State, or joint State/Federal anti-terrorism task forces.
- Information gathered by deputies that they deem of possible interest will be recorded on incident report or field interview forms, as appropriate, and turned in with their paperwork at the end of their shifts, unless the information is deemed to require some immediate action. Reports will be evaluated by the deputy's immediate supervisors for threat-level assessment and will be forwarded – together with copies of any relevant document – both to the department's homeland security coordinator and to the local office of the FBI. Appropriate follow-up actions(s) will be assigned.
  - Intelligence deemed to require immediate action due to imminent danger to persons or property will be relayed to a supervisor upon receipt; will be evaluated by the supervisor for threat-level assessment; and – if an immediate threat is imminent – will be reported through the chain of command to the *Commander, Investigative Services Division*, and to the local office of the FBI.
- F. During periods of elevated threat-levels declared under the national terrorism warning system or at other times when there are indications that extremist/terrorist acts may be imminent, deputies will take additional, extraordinary steps to increase their alertness, as well as to increase the possibility of their detecting unusual activity, especially in and around potential target sites.
- Deputies will be aware of possible indicators of extremist/terrorist surveillance of targets, including unusual or prolonged interest in security measures or personnel;
    - In entry points and access controls; in perimeter barriers, such as fences and walls; in unusual behavior, such as staring at – or quickly looking away from – personnel or individuals entering or leaving designated facilities or parking areas;
    - In observing security-reaction drills and procedures; in increased anonymous telephone or e-mail threats to facilities which could indicate possible surveillance of threat-reaction procedures;
    - In foot surveillance, involving several individuals working in concert with one another;
    - In mobile surveillance using bicycles, scooters, motorcycles, cars, trucks, SUV's, boats, or small aircraft;
    - In prolonged static surveillance using operatives posing as “street people,” demonstrators, street vendors, or street maintenance people not normally seen in the area;

- In discreetly using still or video cameras, note taking, or sketching at potential target locations;
- In using multiple identifications or sets of clothing; and in questioning security personnel.
- Deputies on patrol will increase the frequency at which they check the exteriors of public buildings, fuel terminals, bridges, and other critical infrastructure and will frequently contact – and exchange information with – security personnel at such locations. Any potentially significant information derived from such contacts will be passed on for evaluation as provided in Paragraphs E1 and E2 above.

### III. NCIC Terrorism Responses

The Department of Homeland Security has established the “Terrorist Screening Center” (TSC), to assist Maryland Law Enforcement Agencies in identifying and handling possible terrorist suspects. The TSC is an entity that combines databases from multiple federal agencies in law enforcement and homeland security. The TSC will be of significant use in those instances when there is no terrorism related suspicion, but a routine wanted check reveals a possible connection through the National Crime Information Center (NCIC). This protocol will be used for **all NCIC inquiries** conducted by the Carroll County Sheriff’s Office.

- A. Deputies will continue to radio the Emergency Communications Center (ECC) with a subject’s information in accordance with **Carroll County Sheriff’s Office Operational Procedure #421, “Radio Communications”**. The dispatcher will screen this information through the NCIC. If the subject’s identification draws a TSC match, the ECC may receive any one of four Handling Codes from the TSC.
- B. **DO NOT ALERT THE INDIVIDUAL OF THE FOLLOWING WARNINGS.**
  - **Handling Code 1: Warning—Approach With Caution.** Arrest the individual. This individual is associated with terrorism and an arrest warrant is on file.
  - **Handling Code 2: Warning—Approach With Caution.** Detain the individual for a reasonable amount of time for questioning. This individual is of "investigative interest" regarding his/her association with terrorism and may be detained under authority of the “Patriot Act”.
  - **Handling Code 3: Warning—Approach With Caution.** The person queried through this search may be an individual identified by intelligence information as having possible ties with terrorism. **Do not arrest the suspect unless there is evidence of a violation of Federal, State, or local law.** Conduct a logical investigation and ask probing questions to determine law enforcement interest.
- C. **A deputy will immediately request back-up for any of the above Handling Codes.**

## D. Procedures

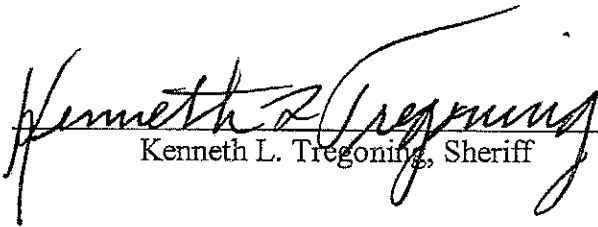
- **Handling Code 1** - According to the TSC, "There is a valid outstanding arrest warrant for the subject." The arrestee will be isolated at the scene, transported individually to **Central Booking**, and held until the arrival of a member of the FBI or JTTF.
  - **No phone calls will be made by, or on behalf of the arrestee.**
  - **Arrestees will be isolated from other detainees and/or prisoners.**
  - An Arrest/Intake Report (CCSO #019) will be completed for all arrestees.
  - The TSC will be notified by the dispatcher to insure the response of the FBI, to take charge of the investigation and responsibility for all documentation, except completion of the Arrest/Intake Report (CCSO #019).
  - For deputy safety, all remaining persons associated with the arrestee will be secured, frisked, segregated, and checked through NCIC. These individuals will be treated as a **Code 3** unless otherwise directed by TSC.
  - Disposition of arrestees will be determined by a member of the FBI or JTTF.
  
- **Handling Code 2** - According to the TSC, "A reasonable articulable suspicion exists that the individual is engaged in domestic or international terrorist activities, that the individual is the subject of an administrative arrest warrant, or that exigent circumstances are present". Additional investigation will be conducted by a member of the FBI or JTTF.
  - The detainee will be isolated at the scene and transported individually to **Central Booking** unless otherwise directed by the FBI or JTTF.
  - **No phone calls will be made by, or on behalf of the arrestee.**
  - **Arrestees will be isolated from other detainees and/or prisoners.**
  - An Arrest/Intake Report (CCSO #019) will be completed for all arrestees.
  - The TSC will be notified by the dispatcher to insure the response of the FBI, to take charge of the investigation and responsibility for all documentation, except completion of the Arrest/Intake Report (CCSO #019).
  - For deputy safety, all remaining persons associated with the arrestee will be secured, frisked, segregated, and checked through NCIC. These individuals will be treated as a **Code 3** unless otherwise directed by TSC. No phone calls will be made by, or on behalf of, the detainee.
  - Disposition of detainees will be determined by a member of the FBI or JTTF.

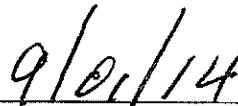
- Deputies will complete the booking process for all State and Local charges arising from these incidents.

#### IV. Cancellation

This directive cancels and replaces *Operational Procedure #426 titled "Homeland Security", dated June 3, 2008*, and supersedes any directives in conflict therewith.

AUTHORITY:

  
Kenneth L. Tregoning, Sheriff

  
September 1, 2014

Index as:

Administrative Arrest Warrant  
Confidential Report of Investigation, (CCSO #251)  
Extremist  
Homeland Security  
National Terrorism Warning System  
NCIC Terrorism Responses  
Terrorist  
Terrorist Handling Code  
Terrorist Screening Center (TSC)  
White Collar Crime