

ICE NCIC Entries

How to interpret NCIC “hits” relating to ICE Warrants

NCIC ENTRIES

- There are different types of NCIC entries related to illegal immigration.
- A majority of NCIC entries are related to civil / administrative violations of federal immigration laws.

- Local Law Enforcement agencies are not permitted to arrest, detain, hold, delay a contact with a subject to investigate further an open civil / administrative warrant in NCIC.
- These types of civil / administrative warrants are not issued by a federal court / judge but by ICE themselves.

Other verbiage used on the civil / administrative warrants in NCIC that are entered by ICE:

- Order of removal
- Order of deportation
- Civil
- Administrative
- Failure to appear for removal
- Alien unlawfully present due to order of removal or Exclusion from the USA
- Outstanding warrant of deportation

The 7 phrases on the previous slide should indicate that the NCIC entry is related to civil violations of federal immigration laws.

Deputies who come in contact with a subject who has an outstanding Ice warrant should treat the NCIC entry as information only.

Deported Felon NCIC entry

Some entries into NCIC are to alert Law Enforcement that they are dealing with a Deported Felon. These alerts are not criminal arrest warrants even though it prompts contact be made to ICE.

The verbiage that appears on NCIC entries is " Subject is a deported criminal/aggravated felon". Again this is not an actual criminal arrest warrant.

These type of entries should be considered informational as well but should indicate that the subject was considered a felon and previously deported.

Closing

- Any hits from the US Immigration and Customs Enforcement “ICE” related to immigration status should be considered “informational”.
- No additional detention, delay, or arrest should occur to investigate the NCLC entry during contact with the subject. Once the initial reason for the contact is over such as traffic stop, call for service, or suspicious subject type call, the contact should end.

- Deputies can share information before or after the contact with officials from the US Immigration and Customs Enforcement. The phone number is provided on all NCIC hits. An example of before a contact, is checking the history of a suspect prior to contacting them for the service of a criminal warrant or an interview for an open investigation.
- There is a mailbox located by the PIS labeled "ICE/ERO". Information can be placed there to share the information with the ICE/ERO personnel that work in the LEC.

FCSO General Orders

1.2.4 Bias-Based Profiling

Definitions:

- **Biased-Based Profiling** - The selection of individuals based solely on a trait common to a group for enforcement action. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, motorcycle group, immigration status, or any other identification group.
- **Enforcement Action** - Activities both on and off duty, undertaken by Office personnel that arise from the authority related to employment, oath of office, state statute, Federal law or county ordinance. Activities such as traffic contacts, field contacts, arrest, investigations, searches, asset seizure and forfeiture, and general law enforcement contact with citizens.

1.2.5 Immigration Status

Definitions:

- Immigration Status - The status of a person as it relates to being present in the United States either legally or illegally.
- Enforcement Action – Activities, both on and off duty, undertaken by Sheriff's Office Law Enforcement Bureau personnel that arise from the authority related to employment, oath of office, state statute, or county ordinance, including activities such as traffic contacts, field contacts, arrests, investigations, searches, asset seizure and forfeiture, and general law enforcement contact with the public we serve.
- The Sheriff's Office Law Enforcement Bureau prohibits employees from inquiring about a person's immigration status during any Law Enforcement activity to include but not limited to: traffic contacts, field contacts, arrests, investigations, and general law enforcement contacts with the public we serve.

74.3.6 Immigration Warrants

- It is the policy of the Frederick County Sheriff's Office Law Enforcement Bureau not to arrest or detain an individual based solely on an Immigration warrant for deportation. This includes Civil or Administrative warrants related to an individual's citizenship in the United States.
- The Sheriff's Office will provide training in regards to NCIC records received from the U.S. Immigration and Customs Enforcement related to Civil and Administrative warrants.