




Division Directive

Title: Disposition of Federal Immigration Detainers and Warrants	Division Directive Number: DPDS.110.0050
Related MD Statute/Regulations: Criminal Procedure Article, Title 2, Annotated Code of Maryland. Correctional Services Articles §2-103, Annotated Code of Maryland	Rescinds and replaces: DPDS.110.0003- U.S. Department of Homeland Security-Priority Enforcement Program dated August 1, 2015
Related ACA and MCCS Standards: ACA - 1-CORE-5 B-04 MCCS - 01 (M), 01(0)	Authorized By:  Michael R. Resnick, Esq. Commissioner Division of Pretrial Detention and Services
Related Directives: Executive Directive OPS. I 10.0045 - Web ID Fingerprint-Based Identification Executive Directive OPS.230.0005 - Release Procedures	Issued Date: February 12, 2020 Effective Date: February 14, 2020
Variance: No Facility Directive or General Order shall be issued.	Number of Pages: 6


Gary W. McLinney
Assistant Secretary


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.01 Purpose.

This directive establishes and maintains procedures for identifying, holding, and releasing an individual who is the subject of an immigration detainer or warrant issued by the U.S. Department of Homeland Security (OHS).

.02 Scope.

This directive applies to units within correctional facilities operated by the Division of Pretrial Detention and Services (DPDS) that are responsible for identifying, holding, and releasing an inmate who is the subject of a federal immigration detainer.

.03 Policy.

It is the policy of the Department of Public Safety and Correctional Services (Department) and the DPDS to:

- (1) Consistent with law, comply with detainers and administrative warrants issued by federal immigration officials when they seek custody of a suspected removable alien; and
- (2) When an inmate is accepted into custody and is identified as the subject of a federal immigration detainer, administrative warrant, or judicial warrant, provide federal immigration officials with information about an inmate's pretrial status and release date in the same manner as for any other inmate in the Department's custody for whom a detainer is lodged.

- (3) Release an inmate on the inmate's State-law release date and time unless a judicial warrant or information provided with the immigration detainer establishes probable cause to believe that the inmate has committed a crime; and
- (4) In cases where probable cause exists to believe that an inmate who is the subject of a federal immigration detainer or warrant has committed a crime, afford the inmate the same due process protections as required for any other inmate in the Department's custody.

.04 Definitions.

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Administrative Warrant" means a *Department of Homeland Security — Warrant for Removal/Deportation* (ICE Form I-205) (Appendix B) or a *Department of Homeland Security — Warrant for Arrest of Alien* (Form I-200) (Appendix C) which are administrative documents issued and signed by an authorized immigration officer for the arrest of an individual for a civil offense.
- (2) "Arrestee" means a person who is legally under arrest for an alleged crime.
- (3) Correctional Facility.
 - (a) "Correctional facility" has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland: 'Correctional facility' means a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime.
 - (b) "Correctional facility" includes a:
 - (i) Detention facility; and
 - (ii) Pre-release facility.
- (4) "Fast ID" is a product name for a single-finger, hand-held fingerprint reader used in conjunction with Web ID software to take an individual's fingerprint.
- (5) "Hit notice" means the Fast ID or Livescan system matched an individual's fingerprint(s) to a fingerprint(s) on file in the Maryland Tenprint or the FBI Repository of Individuals of Special Concern database (FBI RISC), or both.
- (6) "Immigration Detainer" means a *Department of Homeland Security — Notice of Action* (DHS Form I-247) (Appendix A) issued and signed by an authorized immigration officer that requests correctional institutions or law enforcement agencies to notify DHS before an alien is released from custody.
- (7) "Inmate" has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland: "[An] 'Inmate' means an individual who is actually or constructively detained or confined in a correctional facility."

- (8) “Judicial officer” means a court commissioner or a judge.
- (9) “Judicial Warrant” means a court order that authorizes the proper authority to arrest an individual for a crime.
- (10) “Livescan” means the Network Livescan system which requires the use of electronic scanning devices to transmit demographic data, fingerprint images and mugshots from remote locations to the State Fingerprint Data Router (FDR) for rapid positive identification of criminal and non-criminal subjects on the Identification Processing System (IPS) and Maryland Automated Fingerprint Identification System (MAFIS) for the purpose of creating a complete Report of Arrest and Prosecution (RAP) sheet.
- (11) “OCMS” means Offender Case Management System (OCMS) the Department’s official offender case management system.
- (12) “Removable Alien” means a person who is not a citizen or national of the United States and is eligible for expulsion on the grounds of inadmissibility or deportability.
- (13) “State-law release date” means a date that is determined in accordance with Maryland law that requires a correctional facility to release an inmate.
- (14) “Web ID” means computer software linked to the Fast ID so that when a fingerprint is taken it communicates with the Maryland Tenprint database and FBI Repository of Individuals of Special Concern (FBI RISC) database and, if a match is found, returns limited personal identification and criminal justice information on the individual fingerprinted.

.05 Responsibility and Procedures.

A. Central Booking Intake Desk.

- (1) Arrestees presented by local law enforcement to the Baltimore Central Booking and Intake Center (BCBIC) on the sole basis of an immigration detainer or administrative warrant shall be refused entry to BCBIC if:
 - (a) The detainer or administrative warrant is not accompanied by a true test copy of a judicial warrant; or
 - (b) The immigration detainer or administrative warrant is not accompanied by other adequate documentation, such as an indictment or statement of charges, establishing probable cause to believe that the arrestee has committed a crime.
- (2) When an arrestee is brought to BCBIC on criminal charges, the arrestee shall be identified and processed by a booking officer in accordance with standard booking procedures that require all arrestees be screened for outstanding detainers and warrants.
- (3) A booking officer may be notified that an arrestee has an outstanding detainer or warrant by:
 - (a) The local law enforcement officer accompanying the arrestee;
 - (b) A Livescan fingerprint response;

- (c) A Fast ID response; or
 - (d) Facsimile (FAX) or other electronic response.
- (4) During the standard booking process, the booking officer shall review the arrestee's criminal history record to determine if the arrestee has an open:
- (a) Immigration detainer, administrative warrant, or both; or
 - (b) Judicial warrant that is accompanied by an immigration detainer, administrative warrant, or both.
- (5) If the booking officer receives a Hit notice or physical documentation, that indicates the arrestee has an open detainer or warrant as identified above in §(4)(a) and (b) the information shall be referred to the BCBIC Warrant Unit for processing.

B. The BCBIC Warrant Unit.

- (1) When notified by a booking officer or other correctional staff that an inmate has an open immigration detainer, administrative warrant, or a judicial warrant accompanied by an immigration detainer/administrative warrant, a warrant unit officer shall request a true test copy of the detainer or warrant from the federal agency listed as the contact on the detainer or administrative warrant.
- (2) Upon receipt of an immigration detainer, administrative warrant, or a judicial warrant accompanied by an immigration detainer/administrative warrant, the warrant unit officer shall:
- (a) Verify the inmate's identity;
 - (b) Place the information into the OCMS detainer page and enter the detainer alert code into OCMS alerts;
 - (c) Forward a hard copy and/or an electronic copy of the document to the BCBIC Intake Desk, Central Records staff, and BCBIC Release Officer Area;
 - (d) Provide the inmate with a copy of the detainer or administrative warrant, and judicial warrant accompanied by an immigration detainer/administrative warrant, if applicable; and
 - (e) Notify the federal agency listed as the contact on the immigration detainer, administrative warrant, or both that the inmate is in DPDS custody waiting for an initial appearance before a judicial officer.
- (3) If an inmate is being held on criminal charges or because of a conviction, and a true test copy of a judicial warrant accompanied by an immigration detainer/administrative warrant is received via email, fax, or hand delivered by a law enforcement officer, the Warrant Unit shall:
- (a) Follow the same process as with any other judicial warrant;
 - (b) Ensure that the inmate who is the subject of the judicial warrant is taken before a judicial officer; and

- (c) Notify the federal agency listed as the contact on the judicial warrant that the inmate is in DPDS custody and, if known, the inmate's anticipated date of release.

C. Releases.

(1) BCBIC Central Records Unit.

- (a) When an inmate is released by Parole, Expiration of Sentence, or Mandatory Supervision Release and only an immigration detainer or an administrative warrant has been placed, the BCBIC Central Records staff shall:
 - (i) Process the release in accordance with standard release procedures established in [Executive Directive OPS.230.0005 – Release Procedures](#);
 - (ii) Update the release packet and verify that no other detainers exist;
 - (iii) At least 48 hours prior to the inmate's State-law release date, notify the federal agency listed as the contact on the immigration detainer or administrative warrant that the inmate has an impending release; and
 - (iv) Notify the BCBIC Warrant Unit that the inmate is being released.
- (b) Central Records staff shall also:
 - (i) If applicable, notify the Division of Parole and Probation and make any required victim/witness notifications; and
 - (ii) Forward the completed release packet to the Release Officer Area for final verification.

(2) Release Officer Area.

- (a) All inmate releases and release packets shall be properly verified and processed by a correctional officer with the rank of sergeant or higher.
- (b) When an inmate is released after an initial appearance before a judicial officer, a release officer, in accordance with standard release procedures, shall:
 - (i) As soon as is reasonably possible, notify the federal agency listed as the contact on the detainer or administrative warrant that the inmate in DPDS custody has an impending release; and
 - (ii) Arrange for release of the inmate to the custody of federal officials in accordance with BCBIC Post Order 110-01Q – Custody and Security Release.
- (c) In the event that a federal enforcement officer is not present prior to the completion of an inmate's State-law release, the inmate shall be released to the community.

.06 Appendix.

- A. Department of Homeland Security Immigration Detainer – Notice of Action DHS Form I-247A
- B. Department of Homeland Security Warrant for Arrest of Alien ICE Form I-200
- C. Department of Homeland Security Warrant of Removal/Deportation ICE Form I-205
- D. BCBIC Post Order 110-1-01Q — Custody and Security Release

.07 History.

- A. This Directive rescinds and replaces DPDS.110.0003 - U.S. Department of Homeland Security-Priority Enforcement Program dated August 1, 2015. This rescinded directive was erroneously numbered DPDS.110.0003. Division Directive DPDS.110.0003 - Security Equipment, dated June 1, 2004 is current and marked as confidential.
- B. This directive supersedes provisions of any other prior existing communication with which it may be in conflict.

.08 Distribution.

A – Reference Set

D – One Copy for each Correctional Officer

S – Central Records Unit Employees