



# COTTAGE CITY POLICE DEPARTMENT

## GENERAL ORDER

### SUBJECT: **INTERACTIONS WITH FEDERAL CUSTOMS AND IMMIGRATION AGENTS**

#### NEW REVISED RESCINDS

APPROVED: *CB*

CARLOS BATENGA  
ACTING CHIEF OF POLICE

Effective Date 12/10/2019

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#### **I. PURPOSE**

To establish guidelines for the appropriate, safe, and dignified interactions with Federal Custom and Immigration Agents and Agencies to include individuals by all members of the Cottage City Police Department

#### **II. POLICY**

A. It is the policy of this Department to treat all individuals with dignity, respect, and professionalism. The Town of Cottage City, Maryland is a diverse community with residents living together cohesively. The public relies on the Cottage City Police Department to keep them safe and treat everyone fairly, regardless of race, ethnicity, sexuality/orientation, national origin or religion, to include an individual status. The CCPD strives to be open and transparent. We will treat all individuals with respect, compassion, and dignity, regardless of citizens or immigration status.

#### **III. GENERAL PRINCIPLES**

A. CCPD officers have no statutory authority to enforce a civil violation of federal immigration laws. Criminal Investigations or enforcement shall never be initiated based solely upon an individual's citizenship or immigration status.

- B. CCPD officers shall not ask an individual's immigration status unless in extream rare circumstances such as investigation of suspected criminal activity including, but not limited to, human trafficking, terrorist activity, and gang violence.
- C. CCPD officers may respond to requests for assistance or remain on the scene of any federal warrant service investigation to assist with officer(s), or public safety, or the security of the scene.
- D. CCPD officers shall not confiscate Permanent Resident Cards / Documents, Employment Authorization Cards or any other residency status, citizenship, or immigration documents unless the officer has reason to believe the documents are altered or counterfeit with fraudulent intent, indicative of a violation of applicable statutes involving the possession of fraudulent government identification document [CR 8-303 of the Maryland Annotated Code].

#### **IV. SUMMARY AND GUIDANCE**

- A. CCPD officers face potential liabilities exposure if they seek to enforce federal immigration laws, particularly if they do so outside the context of a federal cooperation agreement under 8 U.S.C. 1357(g)(1).
- B. CCPD officers must absorb all cost associated with federal cooperation agreement under 8 U.S.C.1357(g)(1). The federal government does not provide reimbursement for these agreements, and the agreements may increase the risk of unconstitutional profiling.
- C. CCPD officers face potential liability exposure if they honor ICE or CBP detainer requests unless the request is accompanied by a judicial warrant or supported by the information providing probable cause that the subject of the detainer has committed a crime.
- D. CCPD officers to include State, and Local officers may not be prohibited from sharing information about detainee's citizenship or immigration status with federal immigration officials, but they are not required to do so either.
- E. As an overriding principle, the government bears the burden of providing that the detention of someone beyond the person's State-law release date does not violate the Fourth Amendment and its Maryland counterpart.

Following these principles will allow the Cottage City Police Department to comply with federal law in a manner that respects the constitutional rights of individuals, protect our agency and its officers from potential legal liability, and allows us to remain faithful to our mission of promoting public trust and safety.