

EXECUTIVE ORDER



DISTRICT OF COLUMBIA

Subject:	Immigration Enforcement Reminder and the <i>Sanctuary Values Amendment Act of 2020</i>
Number	EO-21-007
Effective Date	March 25, 2021
Related to:	GO-PER-201.26 (Duties, Responsibilities and Conduct of Members of the Department)
Rescinds:	EO-19-004 (Administrative Warrants in NCIC and Immigration Enforcement Reminder), Effective Date June 28, 2019.

I. PURPOSE

The Metropolitan Police Department (MPD) is committed to providing equitable and fair police services to everyone in the District of Columbia. In order to effectively provide these services, MPD must work closely with and maintain the trust of our community. MPD cannot provide effective police service if a portion of our community fears that we will enforce civil immigration laws.

The purpose of this executive order is to remind members of our longstanding policy on immigration enforcement and the procedures for the enforcement of Immigration and Customs Enforcement (ICE) warrants and detainers contained in the National Crime Information Center (NCIC). Additionally, this order informs members of the enactment of the *Sanctuary Values Amendment Act of 2020*.

II. PROCEDURES

- A. **MPD members are prohibited from assisting with the enforcement of civil immigration laws.** MPD's cooperation with federal immigration enforcement activities, including regarding individuals in our custody, is strictly limited to those instances where members have verified, consistent with the procedures outlined in this order, that there is a **criminal warrant or criminal judicial order** in effect.
- B. In accordance with GO-PER-201.26 (Duties, Responsibilities and Conduct of Members of the Department), members are reminded not to make inquiries into any person's immigration status for the purpose of determining whether they have violated the civil immigration laws or for the purpose of enforcing civil immigration laws.
- C. Enforcement of ICE Warrants and Detainers
 1. Members **shall not** make arrests solely based on ICE administrative warrants or detainers for federal immigration violations to include administrative immigration warrants for persons with outstanding removal, deportation, or exclusion orders. Additionally, members shall not assist

ICE in the arrest or transport of individuals solely based on administrative warrants or detainers.

2. Members are reminded that when members receive a "hit" for an ICE warrant or detainer in NCIC, they shall contact the Teletype Unit on (202)-727-4225. Members shall be diligent in providing the teletype operator with a name and date of birth (DOB) that they believe is most accurate based on their investigation and not necessarily the DOB provided in the WALES/NCIC "hit." Members shall be cautious not to act solely on the information in a "soundex" return.
3. The Teletype Unit shall contact the ICE Law Enforcement Support Center (LESC) to confirm the status of the warrant.
 - a. Upon confirmation from ICE LESC that the warrant is a **criminal arrest warrant**, the Teletype Unit shall notify the officer to enforce the warrant.
 - b. In instances where ICE does not confirm the warrant is criminal or confirms that the warrant is an administrative detainer for federal immigration violations, the Teletype Unit shall notify the officer who shall take no action on the warrant or detainer.
4. The Teletype Unit shall maintain documentation in the form of a "Hit Confirmation Response (YR)" of all contacts with ICE regarding warrant checks to include the NIC# or warrant number, the date and time of the contact, and the operator ID of the ICE contact.

D. Sanctuary Values Amendment Act of 2020

1. The *Sanctuary Values Amendment Act of 2020* was passed by Council and will become effective no later than May 18, 2021. **This law does not change MPD's existing policy prohibiting the enforcement of civil immigration laws.** Listed below are examples from the law that shall continue to be prohibited under MPD policy absent a criminal arrest warrant or criminal judicial order.
2. Absent a criminal arrest warrant or criminal judicial order, members **shall not:**
 - a. Hold an individual in custody who would've otherwise been released.
 - b. Provide to any federal immigration agency an office, facility, or equipment for a generalized search of or inquiry about an individual.
 - c. Permit any federal immigration agency to interview someone in MPD's custody, unless (1) there is a criminal judicial order authorizing the interview or (2) the interview is requested by the

detained individual, and the detained individual has counsel present or knowingly, intelligently, and voluntarily declines counsel.

- d. Except with respect to individuals awaiting trial or sentencing for a federal criminal charge or serving a sentence for a federal criminal charge:
 - i. Provide to any federal immigration agency a space in a District detention facility to house, detain, or hold individuals for civil immigration enforcement purposes.
 - ii. Provide the federal immigration agency with the individual's date and time of release, location, address, personal identifying information, medical information, photograph, or criminal case information.
 - iii. Grant any federal immigration agency access to any MPD detention facility or other District detention facility (e.g., Department of Corrections, Department of Behavioral Health, and Department of Youth Rehabilitation Services) for the purpose of releasing the individual into federal custody.
 - iv. Release an individual for purpose of transferring the individual into the custody of any federal immigration agency.



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RJC:KDO:MOC:JC:KWC