

**FEDERAL CRIMINAL IMMIGRATION ARREST WARRANTS**

This training bulletin is designed to provide Department members with guidance on federal criminal immigration arrest warrants, which are now being issued by magistrates of the United States District Court. This training bulletin will provide an example of a federal criminal immigration arrest warrant as seen in a CLETS/NCIC return and contrast it with an example of a civil immigration detainer.

**BACKGROUND INFORMATION**

Historically, immigration authorities have used civil detainers to allow officials across the United States to detain subjects for removal and deportation purposes. The California Values Act (SB 54, 2017) prohibits California law enforcement agencies from enforcing or acting upon these civil detainers.

Recently, federal immigration officials have begun utilizing the United States District Court to issue criminal immigration arrest warrants under Sections 1326(a) and (b) of Title 8 of the United States Code (USC). The California Values Act does not prohibit California law enforcement officers from acting upon criminal immigration arrest warrants.

**SECTION 1326(a) OF THE UNITED STATES CODE.** This law addresses the reentry of previously deported persons into the United States. It makes it a criminal offense for a person to enter, attempt to enter, or be found within the United States after being deported, excluded, or removed without the express consent of the United States Attorney General.

**SECTION 1326(b) OF THE UNITED STATES CODE.** This law outlines the criminal penalties for a person who reenters the United States after being removed, excluded, or deported, or after departing the United States while an order of exclusion, deportation, or removal is outstanding. The circumstances of the removal are linked to prior criminal history.

In summary, this statute applies to individuals who have (1) previously been deported, (2) reentered the United States, and (3) may include those who have committed offenses after reentry.

**PROCEDURES**

The following procedures shall be adhered to by officers encountering a valid federal criminal immigration arrest warrant under 8 USC § 1326(a) or (b).

**1. CONTACT A SUPERVISOR AND CONFIRM THE WARRANT'S VALIDITY**

- a. Contact an on-duty supervisor as soon as practicable.
- b. Request CSUCI Police Department dispatchers to attach the CLETS/NCIC return to the incident and/or case in RIMS or forward a controlled copy to the officer and/or supervisor.
- c. Both the investigating officer and the responding supervisor shall review the CLETS/NCIC return and verify that the return is a valid federal criminal immigration arrest warrant and *not* a civil detainer. See attached examples.



**2. ARREST THE PERSON**

- a. These warrants are federal criminal arrest warrants.
- b. These individuals are to be taken into custody.

**3. BOOK THE PERSON IN JAIL**

- a. Follow standard operating procedures as with any criminal arrest.

**CONCLUSION**

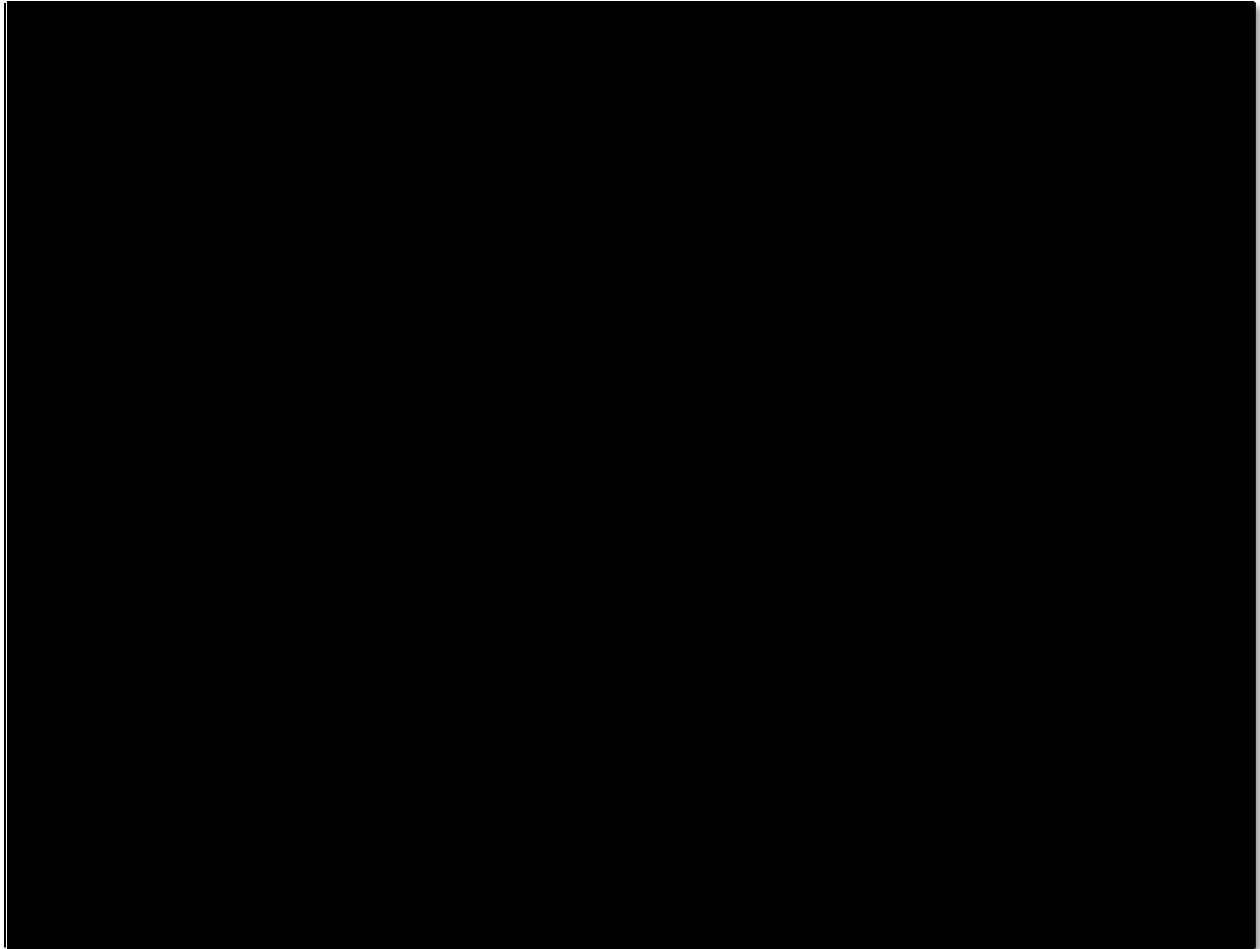
VCCCD Police Department members must recognize the difference between a civil immigration detainer and a criminal immigration warrant. These are valid federal criminal warrants and not civil immigration detainers. If you encounter an individual with a criminal warrant under 8 USC § 1326(a) or (b), they must be arrested and booked into jail following the same procedures applicable to any other criminal warrant.

Review the attached examples between a civil detainer and an immigration arrest warrant.



**IMMIGRATION DETAINER EXAMPLE**

**(DO NOT ENFORCE)**





**CRIMINAL IMMIGRATION WARRANT EXAMPLE**

(**ENFORCEABLE**)



**Training Bulletin composed by:**  
Chief Michael Pallotto