MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATION REGULATIONS
AND OPERATING PROCEDURES

Subject: ***Verification of Nationality of Prisoners*** **Number:** ***309-B***

Effective Date: ***February 3, 2009*** **Revised Date:** ***November 16, 2026***

Rescinds: ***309 – Verification of Nationality of Prisoners, INS – Homeland Security Title 23, Chapter 3, Article 13, Section 23-3-1100*** **Dated:** ***02-03-2009***

309-A – Verification of Nationality… ***12-01-2025***

Approved By:

I. PURPOSE

To provide officers with guidelines for determining the nationality of prisoners as required by the South Carolina Title 23, Chapter 3, Article 13, Section 23-3-1100.

II. DEFINITIONS

A. "Administrative Warrant" means an immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document that can form the basis for an individual's arrest or detention for a civil immigration enforcement purpose, non-limiting examples of which include Form I-200 "Warrant for the Arrest of Alien," Form I-205 "Warrant of Removal/Deportation," any predecessor or successor form, and all wants, hits, or requests contained in the "Immigration Violator File" of the FBI's National Crime Information Center database. This definition does not include a criminal warrant issued upon a judicial determination of probable cause, and in compliance with the requirements of the Fourth Amendment to the U.S. Constitution.

B. "Immigration Detainer" means a request by ICE to a federal, state, or local law enforcement agency to provide notice of release or maintain custody of an individual based on an alleged violation of a civil immigration law, non-limiting examples of which include detainers

issued pursuant to Sections 1226 or 1357 of Title 8 of the United States Code or Sections 287.7 or 236.1 of Title 8 of the Code of Federal Regulations, Form I-247A "Immigration Detainer - Notice of Action" and any predecessor or successor form.

C. The United States Department of Homeland Security (DHS) protects the United States against threats. Its wide-ranging duties include aviation security, border control, emergency response, and cybersecurity. Agencies within DHS include the U.S. Immigration and Customs Enforcement Agency (ICE) and U.S. Customs and Border Patrol (CBP). Homeland Security Investigations (HSI) and Enforcement and Removal Operations (ERO) are components of ICE.

D. "Immigration Agent" means any person tasked with the enforcement of civil immigration law employed by ICE, ERO, HSI, CBP, or any successor agencies.

E. "Immigration Agency" means an agency tasked with the enforcement of federal civil immigration laws, including ICE, ERO, HSI, CBP, or any successor agencies.

F. "Contact information" means any information that assists in contacting an individual, including, but not limited to, telephone numbers, social media identifiers, electronic mail addresses, or home or work addresses.

III. PROCEDURE

A. PRISONER PROCESSING

1. Detention staff shall receive all prisoners into the detention area, and the prisoners' property will be thoroughly searched per existing procedure.

2. The booking officer shall collect contact information, as well as required demographic information, which includes: complete name, date of birth, and place of birth. Verbal responses will be compared to documents and/or identification cards in the prisoner's possession or those found in databases.

3. Detention staff will check all prisoners in NCIC for wanted, missing, or other status via the CAD.

4. If the prisoner gives an indication, admission, or has documents consistent with being of foreign nationality, detention staff will submit a copy of the booking card to the Communications

Center for the NCIC operator to run an Information Alien Query (IAQ) through the Law Enforcement Support Center. The action taken in this process is noted on the booking card in the section provided for additional remarks (i.e., "IAQ Ran").

a. If a positive response is received, detention staff shall contact the applicable Immigration Agency to verify the course of action to be taken.

   i. The Immigration Agent should be advised of the time of the scheduled bond hearing and that the Detention Supervisor must receive an Immigration Detainer by email or fax within one hour of the bond hearing, or the prisoner may be eligible for release on bond.

   ii. If a bond has been set by the court or if the prisoner's charges do not require a bond hearing, the Immigration Agent should be advised that the Detention Supervisor must receive an Immigration Detainer by email or fax within one hour of the call, or the prisoner will be eligible for release on bond.

b. If a "no record" response is received, no further action will be taken.

5. Foreign-born prisoners will be photographed and fingerprinted for identification purposes in accordance with Department Procedure 302.

B. PRISONER FLOW AND CONDITIONS OF RELEASE

A. All prisoners charged with bailable offenses, regardless of immigration status, will attend a bond hearing within 24 hours of their arrest, as required by S.C. Code Section 22-5-510, unless they can post a bond before the bond hearing. Information regarding the prisoner's immigration status may be shared with and considered by the court at the bond hearing.

B. If an Immigration Detainer or Administrative Warrant is received, the prisoner shall be transported to the J. Reuben Long Detention Center for further screening by Immigration Agents. All applicable paperwork will be transferred with the prisoner, and copies will be maintained in JMS.

C. In the event the prisoner is being held at the Myrtle Beach Jail for another agency, detention staff shall follow the same protocol as if the prisoner was arrested by our agency.