

**New York City Department of Correction
Summary of Discharges of Persons in Custody with
Federal Immigration and Customs Enforcement (ICE) Detainers
Fiscal Year 2023**

This report provides information regarding Immigration and Customs Enforcement (ICE) detainers that the New York City Department of Correction (DOC or Department) is required to report pursuant to New York City Administrative Code §9-131. This reporting time frame is from July 1, 2022 to June 30, 2023.

1) The total number of civil immigration detainers lodged with the department, disaggregated to the extent possible by the reason given by federal immigration authorities for issuing detainers, **201**, including, but not limited to:

i. a final order of removal against the person;

67

ii. pendency of ongoing removal proceedings against the person;

28

iii. biometric confirmation of the person's identity and records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the person either lacks immigration status or notwithstanding such status is removable under US immigration law; or

175

iv. statements made by the person to an immigration officer and/or other reliable evidence that affirmatively indicate the person either lacks immigration status or notwithstanding such status is removable under US immigration law.

29

Note: In some instances, the civil immigration detainers include multiple reasons for issuing the detainer.

2) The number of persons held pursuant to civil immigration detainers beyond the time when such person would otherwise be released from the department's custody, disaggregated to the extent possible by the reason given by federal immigration authorities for issuing the detainers, including, but not limited to:

- **0 individuals were held for extra time as a result of a civil immigration detainer.**
- **However, 13 individuals with a civil immigration detainer experienced prolonged discharge processing times. The discharge for this individual was not delayed as a result of their civil immigration detainer, but rather due to such factors as internal DOC processes. No individuals were transferred to ICE custody.**

i. a final order of removal against the person;

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ii. pendency of ongoing removal proceedings against the person;

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iii. biometric confirmation of the person's identity and records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the person either lacks immigration status or notwithstanding such status is removable under US immigration law; or

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iv. statements made by the person to an immigration officer and/or other reliable evidence that affirmatively indicate the person either lacks immigration status or notwithstanding such status is removable under US immigration law.

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3) The number of persons transferred to the custody of federal immigration authorities pursuant to civil immigration detainers.

DOC transferred 10 individuals to federal immigration authorities.

DOC policy is to cooperate in transferring custody to ICE, without additional detention, if ICE requests an inmate who is "a person convicted of a violent or serious crime or identified as a possible match in the terrorist screening database," New York City Administrative Code §9131(h)(1)(i), and the request is supported by specified documentation of probable cause.

- 4) The number of persons transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had at least one conviction for a violent or serious crime.

See Question #3

- 5) The number of persons transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no convictions for a violent or serious crime and were identified as possible matches in the terrorist screening database.

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- 6) The amount of state criminal alien assistance funding requested and received from the federal government.

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- 7) The number of persons for whom civil immigration detainers were not honored pursuant to subdivision b of this section.

153

Note: A detainer received during a reporting period may not be reviewed by DOC during that same reporting period in every instance. For example, individuals for whom detainers are received during this reporting period may remain in DOC custody on their state law charges as of the date of this report.

- 8) The number of persons held pursuant to civil immigration detainers beyond the time when such persons would otherwise have been released from the department's custody who were not transferred to the custody of federal immigration authorities either because of the expiration of the forty-eight hour hold period provided in 8 C.F.R. § 287.7 or because federal immigration authorities disavowed an intention to assume custody.

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- 9) The number of requests from federal immigration authorities concerning a person's incarceration status, release dates, court appearance dates, or any other information related to such person in the department's custody, and the number of responses honoring such requests by the department, disaggregated by:

- i. the number of responses to federal immigration authorities concerning a person with no convictions for a violent or serious crime, disaggregated by the number of such responses that included incarceration status, release dates, court

appearance dates, or other types of information, and whether the department facilitated the transfer of such persons to the custody of federal immigration authorities;

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- ii. the number of responses to federal immigration authorities concerning a person with at least one conviction for a violent or serious crime, disaggregated by the number of such responses that included incarceration status, release dates, court appearance dates, or other types of information, and whether the department facilitated the transfer of such persons to the custody of federal immigration authorities; and

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- iii. the number of responses to federal immigration authorities concerning a person with no convictions for a violent or serious crime who was identified as a possible match in the terrorist screening database, disaggregated by the number of such responses that included incarceration status, release dates, court appearance dates, or other types of information, and whether the department facilitated the transfer of such persons to the custody of federal immigration authorities.

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Note: DOC received no requests from immigration authorities concerning a person's incarceration status, release dates, court appearance dates, or any other information related to such person in the department's custody.

*Note: DOC received **12** requests for the transfer of custody of individuals who were originally in the custody of federal immigration authorities, were transferred temporarily to local custody to allow them to face state criminal prosecution and resolve their criminal charges and are then returned to federal immigration authorities' custody. These individuals' transfers to federal immigration authorities' custody are made pursuant to an intergovernmental transfer practice designed to ensure that individuals in federal custody do not evade standing trial in state court and are not made pursuant to detainer requests for such persons in custody.*