

Summary of Discharges of Inmates with Federal Immigration and Customs Enforcement (ICE) Detainers

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. During the reporting period (October 1, 2016 - September 30, 2017), ICE utilized several different detainer forms as well as requests for voluntary notification of release (RFNs).

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, including, but not limited to, that federal immigration authorities:
536
 - i. had reason to believe that the persons in the department's custody are subject to removal from the United States;
n/a¹
 - ii. initiated removal proceedings and served a notice to appear or other charging document on persons in the department's custody;
n/a
 - iii. served a warrant of arrest for removal proceedings on persons in the department's custody; or
n/a
 - iv. obtained orders of deportation or removal from the United States for persons in the department's custody
n/a

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, that federal immigration authorities:
81 persons with detainers were held for additional time in order to process their discharges. Of this number, 75 were discharged without notification or transfer to federal immigration authorities.
 - i. had reason to believe that the persons in the department's custody are subject to removal from the United States;
n/a²
 - ii. initiated removal proceedings and served a notice to appear or other charging document on persons in the department's custody;
n/a

¹ Due to significant changes in the forms used by federal immigration authorities during the reporting period, a disaggregated description of the reason given by federal immigration authorities for issuing detainers is not available.

² Due to significant changes in the forms used by federal immigration authorities during the reporting period, a disaggregated description of the reason given by federal immigration authorities for issuing detainers is not available.

- iii. served a warrant of arrest for removal proceedings on persons in the department's custody; or
n/a
 - iv. obtained orders of deportation or removal from the United States for persons in the department's custody
n/a
3. The number of persons transferred to the custody of federal immigration authorities pursuant to civil immigration detainers
DOC transferred 20 persons to federal immigration authorities, all of whom had at least one conviction for a violent or serious crime. Of this number, 14 were transferred to federal immigration authorities without additional detention and 6 were transferred to federal immigration authorities after being held for additional time in order to process their discharges. 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 §9-131(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
0
6. The amount of state criminal alien assistance funding requested and received from the federal government
\$10,551,024
7. The number of persons for whom civil immigration detainers were not honored pursuant to subdivision b of this section
417. 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
0