



# LOCAL LAW 2011/062

## Frequently Asked Questions about the Implementation of Local Law 2011/062 as amended "Persons not to be detained"

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### WHAT IS LOCAL LAW 2011/062 "PERSONS NOT TO BE DETAINED"?

In November 2011, Mayor Michael R. Bloomberg signed into law a bill that limits the authority of the New York City Department of Correction (Department) to honor civil immigration detainers for inmates who have no criminal history or pending criminal cases and no other record of being a threat to public safety. This law was further amended in March of 2013 to narrow criminal charges that would cause the Department to honor an immigration detainer.

### WHAT IS A CIVIL IMMIGRATION DETAINER?

A detainer is, in general terms, a legal document that authorizes the Department to hold an inmate in its custody. A civil immigration detainer is a document that serves to advise another law enforcement agency that the Department of Homeland Security seeks custody of a noncitizen present in the custody of that agency.

### UNDER WHAT CIRCUMSTANCES WILL THE DEPARTMENT NOT HONOR CIVIL IMMIGRATION DETAINERS?

Pursuant to Local Law 2011/062 as amended, if a civil immigration detainer is placed on an inmate it will not be honored by the Department unless the inmate:

- Has been convicted of a crime except certain charges involving prostitution and certain charges involving unlicensed operation of a motor vehicle or license suspensions
- Is a defendant in a pending criminal case charged with a felony, or with certain misdemeanors involving assault, sex offenses, possession of certain firearms or ammunition, criminal contempt, or operating a motor vehicle under the influence of alcohol or drugs
- Has an outstanding criminal warrant in New York State or another jurisdiction in the United States
- Has been identified as a known gang member in the appropriate federal database(s) or a possible match in the terrorist screening database and/or
- Has an outstanding warrant of removal from the United States or has previously been subject to a final order of removal from the United States

### WHAT DATABASES WILL BE USED TO SCREEN INMATE ELIGIBILITY UNDER LOCAL LAW 2011/062, AS AMENDED?

The Department will rely on the eJusticeNY database when making eligibility determinations. Department personnel have been trained extensively on accessing and using this application to determine eligibility under the law.

### ARE THERE FEDERAL IMMIGRATION AGENTS EVER PRESENT AT DEPARTMENT FACILITIES?

Yes. Immigration and Customs Enforcement (ICE) agents are allowed access to DOC facilities to interview inmates who agree to speak with them. Shortly after Commissioner Schriro was appointed to DOC in 2009, new procedures were implemented requiring that inmates be given advance notice of ICE interviews and a form, which gives them the option to either agree to be interviewed without their attorney being present, decline to be interviewed or decline to be interviewed until their attorney is present. The Department will only produce an inmate for an interview if the ICE agent is appropriately attired in the ICE uniform and displaying the appropriate ICE credentials. Additionally, information in eight different languages regarding inmates' rights as they relate to ICE interviews is prominently posted in all Department facilities.



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### WHO CAN I CONTACT IF I HAVE A QUESTION ABOUT THE IMPLEMENTATION OF LOCAL LAW 2011/062, AS AMENDED?

You may contact the Office of Constituent Services within the Office of the Commissioner with any general inquiries concerning the implementation of the law. The Office of Constituent Services can be reached directly at [constituentservices@doc.nyc.gov](mailto:constituentservices@doc.nyc.gov) or by calling (718) 546-1500.

The inmate population may also contact the Office of Constituent Services via institutional mail or the US Postal Service at:

New York City Department of Correction  
Office of Constituent Services  
75-20 Astoria Boulevard  
East Elmhurst, NY 11370

If you have a question regarding the immigration consequences of your criminal case, you can contact the Immigrant Defense Project's (IDP) free hotline at (212) 725-6422. IDP is an independent non-profit organization.

### HOW WILL INMATES AND OTHER STAKEHOLDERS BE NOTIFIED OF THE IMPLEMENTATION OF LOCAL LAW 2011/062, AS AMENDED?

A new section has been added to the Inmate Handbook regarding the implementation of the law and its eligibility criteria. Additionally, signage has been posted throughout the facilities providing information to the inmate population about the law. DOC has also been working closely with the advocacy community to provide ongoing information about new procedures established in response to the law.

### WHAT PERCENTAGE OF THE DEPARTMENT'S INMATE POPULATION IS FOREIGN-BORN?

On any given day, there are approximately 1,800 inmates who self-report as being foreign-born, accounting for 15 percent of the average daily inmate population.

### HOW MANY FOREIGN-BORN INMATES WERE DISCHARGED FROM DOC CUSTODY LAST YEAR?

In Fiscal Year 2013, there were 11,876 inmates discharged from DOC custody who self-reported as being foreign born.

### HOW MANY DETAINERS DID ICE PLACE ON FOREIGN-BORN INMATES LAST YEAR?

In Fiscal Year 2013, 3,459 inmates were discharged with an ICE detainer.

### HOW MANY INMATES WERE DISCHARGED TO ICE LAST YEAR?

In Fiscal Year 2013, 2,069 inmates were discharged to ICE.