

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. This report covers July 1, 2017, through June 30, 2018. Pursuant to Local Law 228 of 2017, this reporting time frame overlaps with last year's reporting time frame for the months of July 1, 2017, through September 30, 2017, and therefore some of these instances have been previously reported and are reported again here.*

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:

627

- i. a final order of removal against the person;  
196
- ii. pendency of ongoing removal proceedings against the person;  
72
- iii. biometric confirmation of the person's identity and a 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  
555
- 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.  
81

*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:

85

85 persons with detainers were held for additional time in order to process their discharges. Of this number, 80 were discharged without notification or transfer to federal immigration authorities.

Of these 85, 26 were accounted for in the 2017 report (between July 1, 2017 and September 30, 2017) and the remaining 59 occurred between October 1, 2017 and June 30, 2018.

- i. a final order of removal against the person;  
19
- ii. pendency of ongoing removal proceedings against the person;  
13
- iii. biometric confirmation of the person’s identity and a 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  
80
- 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.  
8

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

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

38

DOC transferred 38 persons to federal immigration authorities, all of whom had at least one conviction for a violent or serious crime. Of this number, 33 were transferred to federal immigration authorities without additional detention and 5 were transferred to federal immigration authorities after being held for additional time in order to process their discharges.

Of these 38, 10 were accounted for in the 2017 report (between July 1, 2017 and September 30, 2017) and the remaining 28 occurred between October 1, 2017 and June 30, 2018.

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  
\$0

7. The number of persons for whom civil immigration detainers were not honored pursuant to subdivision b of this section  
629

*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  
0

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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