

PS COMMITTEE #1  
November 2, 2015

**MEMORANDUM**

October 29, 2015

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Briefing: Immigration and Customs Enforcement (ICE), Priority Enforcement Program**

Today, the Committee will receive an update from the Department of Correction and Rehabilitation (DOCR) and the Montgomery County Police Department (MCPD) on the Priority Enforcement Program.

The following are expected to brief the Committee:

Robert Green, Director, DOCR  
Chief Tom Manger, MCPD  
Gale Starkey, Acting Warden, DOCR  
Suzy Malagari, Deputy Warden, Montgomery County Detention Center (MCDC), DOCR  
Bernard Woodard, Records Manager, DOCR

**BACKGROUND**

In November 2014, the U.S. Department of Homeland Security (DHS) implemented the Priority Enforcement Program (PEP), an immigration enforcement policy that focuses on convicted criminals and others who are a public safety risk. PEP replaces Secure Communities, which had been created in 2008 as a way to identify immigrants in U.S. jails who could be deported. Under Secure Communities, local law enforcement and jails submitted a defendant's finger print records to the FBI for a criminal check. The FBI then submitted the finger print records to ICE, where they were checked for potential immigration violations. When there was a potential immigration violation, ICE issued a detainer against the incarcerated defendant, requesting that local authorities notify ICE before the defendant's release and hold the defendant up to 48 hours past the release date, so that ICE could take custody of the defendant. While Secure Communities was intended to prioritize the deportation of convicted criminals and others

who posed a threat to public safety, many of those deported had no criminal violations. Some local jurisdictions throughout the country also became increasingly concerned about detaining individuals past their release dates, and potential Fourth Amendment violations.

Montgomery County began participating in Secure Communities in 2012, as mandated by the federal government. In 2014, the County Executive stated that Montgomery County would no longer hold individuals past their release date for civil detainees, unless there is sufficient probable cause. This decision came on the heels of a Maryland Attorney General letter of advice to a different county, which concluded in part that “if a local law enforcement officer does not have probable cause to extend custody over the subject of an ICE detainee, the continued detention likely constitutes a violation of the Fourth Amendment.”

### **IMPLEMENTATION OF PEP**

Shortly thereafter, DHS replaced Secure Communities with PEP. Under PEP, ICE only seeks a transfer of an individual in limited circumstances. ICE may issue one of two new forms to local law enforcement regarding an individual held in custody. ICE may issue an immigration detainer if the individual fits within the enforcement priorities and ICE has probable cause that the defendant is removable. In other cases, ICE issues a “Request for Voluntary Notification of Release,” requesting notification at least 48 hours in advance of release so that ICE can determine whether there is probable cause to remove the individual.

The three priority levels for PEP are:

- Priority 1 (threats to national security, border security, and public safety);
- Priority 2 (misdemeanants and new immigration violators); and
- Priority 3 (other immigration violations, such as those who have been issued a final order or removal).

DHS staff should use “prosecutorial discretion” based on individual circumstances, taking into consideration such factors as extenuating circumstances involving the crime, extended length of time since conviction, length of time in the U.S., military service, family or community ties in the U.S., status as a victim witness or plaintiff, or compelling humanitarian factors. A chart comparing the different elements of Secure Communities to PEP is attached at ©9.

### **RECENT DATA**

In 2012, the year the County began to participate in Secure Communities, DOCR released 273 inmates to ICE. It released 112 inmates in 2013, and 187 in 2014. These numbers reflect that all inmates with detainees were released to ICE. When the County Executive indicated that the County would no longer hold individuals past their release date unless the ICE detainee had probable cause, the numbers fell dramatically. DOCR released 11 to ICE, and 85 back into the community.

## DISCUSSION ISSUES

- 1) ICE can now issue two different documents, an immigration detainer or a request for notification of release. How does DOCR handle each of these? Which is more common?
- 2) How quickly after an individual's booking does DOCR receive detainers or requests for notification of release?
- 3) Are most ICE detainers and requests related to Priority 1 enforcement areas?

<u>This packet includes the following:</u>	©#
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Official website of the Department of Homeland Security



# Priority Enforcement Program – How DHS is Focusing on Deporting Felons

July 30, 2015  
5:18 pm



[Jeh Johnson](#)  
Secretary

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President Obama and I are committed to sensible and effective enforcement of our immigration laws to safeguard our borders and protect public safety and national security.

That is why, as part of the executive actions the President announced last November, we ended the controversial Secure Communities program. This was a program by which our immigration personnel lodged orders known as "detainers" to hold individuals in local jails, so that they could be handed directly over to federal authorities for enforcement purposes after their time in local custody. The goal of the program was to make it easier to identify and remove convicted criminals. But, in many instances the program led to the transfer of those who had been in this country for years, and had simply been picked up and charged with a minor offense, without a conviction. As a result, the Secure Communities program became embroiled in political and legal controversy. And, in reaction, a rapidly expanding list of city, county and state governments enacted laws and directives that limit or outright prohibit their cooperation with federal immigration enforcement personnel. The consequences nationwide have, regrettably, included notorious cases in which dangerous individuals on whom we placed detainers were released to the streets, and committed more serious crimes.

We have now acted to stop this ineffective program. We have ended the Secure Communities program, and are replacing it with a new "Priority Enforcement Program." Our overarching goal, which we believe is shared by every governor, mayor, state legislature, city council and county commission, is keeping our streets safe. The President and I want to better focus our immigration enforcement resources on convicted criminals over undocumented immigrants who have been here for years, have committed no serious crimes, and, have, in effect, become peaceful and integrated members of the community. To do this, however, requires that we go where removable, dangerous criminals are most often found – behind bars.

Our new Priority Enforcement Program is a balanced, common-sense approach to help us achieve this goal. It removes the controversy that consumed the Secure Communities program. With some limited exceptions, we are replacing detainers with "requests for notification" and are no longer requesting the transfer of someone based merely on a warrant or arrest—we're going to stay focused on our top priorities, like those who have been convicted of serious crimes. The program will better ensure the premise of our criminal justice system, that individuals are innocent until proven guilty. For those who have been convicted of a serious crime, and are removable from the country, we want to deport them as soon as possible so that our communities are as safe as possible.

But, the federal government cannot make a success of this new policy alone. We need a partner in state and local law enforcement. It is for this reason that I and other officials of the Department of Homeland Security have set out across the country to meet with state and local officials, including those in law enforcement, to show them our new policy, and encourage them to work with us again. I am pleased by the vote by the Los Angeles Board of Supervisors, encouraging the Los Angeles County Sheriff's Department to work closely with DHS and ICE to implement the new PEP program. We will continue to work with the Sheriff's office and local elected officials in Los Angeles and across the country to implement PEP in a way that supports community policing and public safety while ensuring that ICE takes custody of dangerous individuals before they are released into the community. ICE is also committed to engaging with community members and providing the public with more information about the PEP program.

We must work together to enforce our immigration laws in a smart and cooperative way, in line with our enforcement priorities, and for the sake of the public safety we are all pledged to protect.

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# Homeland Security

November 20, 2014

MEMORANDUM FOR: Thomas S. Winkowski  
Acting Director  
U.S. Immigration and Customs Enforcement

R. Gil Kerlikowske  
Commissioner  
U.S. Customs and Border Protection

Leon Rodriguez  
Director  
U.S. Citizenship and Immigration Services

Alan D. Bersin  
Acting Assistant Secretary for Policy

FROM: Jeh Charles Johnson  
Secretary

A handwritten signature in black ink, appearing to read "Jeh Charles Johnson", written over the printed name.

SUBJECT: **Policies for the Apprehension, Detention and  
Removal of Undocumented Immigrants**

This memorandum reflects new policies for the apprehension, detention, and removal of aliens in this country. This memorandum should be considered Department-wide guidance, applicable to the activities of U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS). This memorandum should inform enforcement and removal activity, detention decisions, budget requests and execution, and strategic planning.

In general, our enforcement and removal policies should continue to prioritize threats to national security, public safety, and border security. The intent of this new policy is to provide clearer and more effective guidance in the pursuit of those priorities. To promote public confidence in our enforcement activities, I am also directing herein greater transparency in the annual reporting of our removal statistics, to include data that tracks the priorities outlined below.

The Department of Homeland Security (DHS) and its immigration components- CBP, ICE, and USCIS-are responsible for enforcing the nation's immigration laws. Due to limited resources, DHS and its Components cannot respond to all immigration violations or remove all persons illegally in the United States. As is true of virtually every other law enforcement agency, DHS must exercise prosecutorial discretion in the enforcement of the law. And, in the exercise of that discretion, DHS can and should develop smart enforcement priorities, and ensure that use of its limited resources is devoted to the pursuit of those priorities. DHS's enforcement priorities are, have been, and will continue to be national security, border security, and public safety. DHS personnel are directed to prioritize the use of enforcement personnel, detention space, and removal assets accordingly.

In the immigration context, prosecutorial discretion should apply not only to the decision to issue, serve, file, or cancel a Notice to Appear, but also to a broad range of other discretionary enforcement decisions, including deciding: whom to stop, question, and arrest; whom to detain or release; whether to settle, dismiss, appeal, or join in a motion on a case; and whether to grant deferred action, parole, or a stay of removal instead of pursuing removal in a case. While DHS may exercise prosecutorial discretion at any stage of an enforcement proceeding, it is generally preferable to exercise such discretion as early in the case or proceeding as possible in order to preserve government resources that would otherwise be expended in pursuing enforcement and removal of higher priority cases. Thus, DHS personnel are expected to exercise discretion and pursue these priorities at all stages of the enforcement process-from the earliest investigative stage to enforcing final orders of removal-subject to their chains of command and to the particular responsibilities and authorities applicable to their specific position.

Except as noted below, the following memoranda are hereby rescinded and superseded: John Morton, *Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens*, March 2, 2011; John Morton, *Exercising Prosecutorial Discretion Consistent with the Civil Enforcement Priorities of the Agency for the Apprehension, Detention and Removal of Aliens*, June 17, 2011; Peter Vincent, *Case-by-Case Review of Incoming and Certain Pending Cases*, November 17, 2011; *Civil Immigration Enforcement: Guidance on the Use of Detainers in the Federal, State, Local, and Tribal Criminal Justice Systems*, December 21, 2012; *National Fugitive Operations Program: Priorities, Goals, and Expectations*, December 8, 2009.

**A. Civil Immigration Enforcement Priorities**

The following shall constitute the Department's civil immigration enforcement priorities:

**Priority 1 (threats to national security, border security, and public safety)**

Aliens described in this priority represent the highest priority to which enforcement resources should be directed:

- (a) aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security;
- (b) aliens apprehended at the border or ports of entry while attempting to unlawfully enter the United States;
- (c) aliens convicted of an offense for which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or aliens not younger than 16 years of age who intentionally participated in an organized criminal gang to further the illegal activity of the gang;
- (d) aliens convicted of an offense classified as a felony in the convicting jurisdiction, other than a state or local offense for which an essential element was the alien's immigration status; and
- (e) aliens convicted of an "aggravated felony," as that term is defined in section 101(a)(43) of the *Immigration and Nationality Act* at the time of the conviction.

The removal of these aliens must be prioritized unless they qualify for asylum or another form of relief under our laws, or unless, in the judgment of an ICE Field Office Director, CBP Sector Chief or CBP Director of Field Operations, there are compelling and exceptional factors that clearly indicate the alien is not a threat to national security, border security, or public safety and should not therefore be an enforcement priority.

**Priority 2 (misdemeanants and new immigration violators)**

Aliens described in this priority, who are also not described in Priority 1, represent the second-highest priority for apprehension and removal. Resources should be dedicated accordingly to the removal of the following:

- (a) aliens convicted of three or more misdemeanor offenses, other than minor traffic offenses or state or local offenses for which an essential element

was the alien's immigration status, provided the offenses arise out of three separate incidents;

- (b) aliens convicted of a "significant misdemeanor," which for these purposes is an offense of domestic violence;<sup>1</sup> sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or driving under the influence; or if not an offense listed above, one for which the individual was sentenced to time in custody of 90 days or more (the sentence must involve time to be served in custody, and does not include a suspended sentence);
- (c) aliens apprehended anywhere in the United States after unlawfully entering or re-entering the United States and who cannot establish to the satisfaction of an immigration officer that they have been physically present in the United States continuously since January 1, 2014; and
- (d) aliens who, in the judgment of an ICE Field Office Director, USCIS District Director, or USCIS Service Center Director, have significantly abused the visa or visa waiver programs.

These aliens should be removed unless they qualify for asylum or another form of relief under our laws or, unless, in the judgment of an ICE Field Office Director, CBP Sector Chief, CBP Director of Field Operations, USCIS District Director, or USCIS Service Center Director, there are factors indicating the alien is not a threat to national security, border security, or public safety, and should not therefore be an enforcement priority.

### **Priority 3 (other immigration violations)**

Priority 3 aliens are those who have been issued a final order of removal<sup>2</sup> on or after January 1, 2014. Aliens described in this priority, who are not also described in Priority 1 or 2, represent the third and lowest priority for apprehension and removal. Resources should be dedicated accordingly to aliens in this priority. Priority 3 aliens should generally be removed unless they qualify for asylum or another form of relief under our laws or, unless, in the judgment of an immigration officer, the alien is not a threat to the integrity of the immigration system or there are factors suggesting the alien should not be an enforcement priority.

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<sup>1</sup> In evaluating whether the offense is a significant misdemeanor involving "domestic violence," careful consideration should be given to whether the convicted alien was also the victim of domestic violence; if so, this should be a mitigating factor. See generally, John Morton, *Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs*, June 17, 2011.

<sup>2</sup> For present purposes, "final order" is defined as it is in 8 C.F.R. § 1241.1.

**B. Apprehension, Detention, and Removal of Other Aliens Unlawfully in the United States**

Nothing in this memorandum should be construed to prohibit or discourage the apprehension, detention, or removal of aliens unlawfully in the United States who are not identified as priorities herein. However, resources should be dedicated, to the greatest degree possible, to the removal of aliens described in the priorities set forth above, commensurate with the level of prioritization identified. Immigration officers and attorneys may pursue removal of an alien not identified as a priority herein, provided, in the judgment of an ICE Field Office Director, removing such an alien would serve an important federal interest.

**C. Detention**

As a general rule, DHS detention resources should be used to support the enforcement priorities noted above or for aliens subject to mandatory detention by law. Absent extraordinary circumstances or the requirement of mandatory detention, field office directors should not expend detention resources on aliens who are known to be suffering from serious physical or mental illness, who are disabled, elderly, pregnant, or nursing, who demonstrate that they are primary caretakers of children or an infirm person, or whose detention is otherwise not in the public interest. To detain aliens in those categories who are not subject to mandatory detention, DHS officers or special agents must obtain approval from the ICE Field Office Director. If an alien falls within the above categories and is subject to mandatory detention, field office directors are encouraged to contact their local Office of Chief Counsel for guidance.

**D. Exercising Prosecutorial Discretion**

Section A, above, requires DHS personnel to exercise discretion based on individual circumstances. As noted above, aliens in Priority 1 must be prioritized for removal unless they qualify for asylum or other form of relief under our laws, or unless, in the judgment of an ICE Field Office Director, CBP Sector Chief, or CBP Director of Field Operations, there are compelling and exceptional factors that clearly indicate the alien is not a threat to national security, border security, or public safety and should not therefore be an enforcement priority. Likewise, aliens in Priority 2 should be removed unless they qualify for asylum or other forms of relief under our laws, or unless, in the judgment of an ICE Field Office Director, CBP Sector Chief, CBP Director of Field Operations, USCIS District Director, or USCIS Service Center Director, there are factors indicating the alien is not a threat to national security, border security, or public safety and should not therefore be an enforcement priority. Similarly, aliens in Priority 3 should generally be removed unless they qualify for asylum or another form of relief under our laws or, unless, in the judgment of an immigration officer, the alien is not a threat to the

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integrity of the immigration system or there are factors suggesting the alien should not be an enforcement priority.

In making such judgments, DHS personnel should consider factors such as: extenuating circumstances involving the offense of conviction; extended length of time since the offense of conviction; length of time in the United States; military service; family or community ties in the United States; status as a victim, witness or plaintiff in civil or criminal proceedings; or compelling humanitarian factors such as poor health, age, pregnancy, a young child, or a seriously ill relative. These factors are not intended to be dispositive nor is this list intended to be exhaustive. Decisions should be based on the totality of the circumstances.

#### **E. Implementation**

The revised guidance shall be effective on January 5, 2015. Implementing training and guidance will be provided to the workforce prior to the effective date. The revised guidance in this memorandum applies only to aliens encountered or apprehended on or after the effective date, and aliens detained, in removal proceedings, or subject to removal orders who have not been removed from the United States as of the effective date. Nothing in this guidance is intended to modify USCIS Notice to Appear policies, which remain in force and effect to the extent they are not inconsistent with this memorandum.

#### **F. Data**

By this memorandum I am directing the Office of Immigration Statistics to create the capability to collect, maintain, and report to the Secretary data reflecting the numbers of those apprehended, removed, returned, or otherwise repatriated by any component of DHS and to report that data in accordance with the priorities set forth above. I direct CBP, ICE, and USCIS to cooperate in this effort. I intend for this data to be part of the package of data released by DHS to the public annually.

#### **G. No Private Right Statement**

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

# OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS PRIORITY ENFORCEMENT PROGRAM (PEP)



U.S. Immigration  
and Customs  
Enforcement

## ABOUT PEP

The Department of Homeland Security's (DHS) Priority Enforcement Program (PEP) enables DHS to work with state and local law enforcement to take custody of individuals who pose a danger to public safety before those individuals are released into our communities. PEP was established at the direction of DHS Secretary Jeh Johnson in a November 20, 2014 memorandum, entitled Secure Communities, that discontinued the Secure Communities program. PEP focuses on convicted criminals and others who pose a danger to public safety.

## HOW IT WORKS

PEP begins at the state and local level when an individual is arrested and booked by a law enforcement officer for a criminal violation and his or her fingerprints are submitted to the FBI for criminal history and warrant checks. This same biometric data is also sent to U.S. Immigration and Customs Enforcement (ICE) so that ICE can determine whether the individual is a priority for removal, consistent with the DHS enforcement priorities described in Secretary Johnson's November 20, 2014 Secure Communities memorandum. Under PEP, ICE will seek the transfer of a removable individual when that individual has been convicted of an offense listed under the DHS civil immigration enforcement priorities, has intentionally participated in an organized criminal gang to further the illegal activity of the gang, or poses a danger to national security.

## WHAT ARE DHS' PRIORITIES FOR REMOVAL?

PEP builds upon the enforcement priorities set forth in the November 20, 2014 Memorandum from DHS Secretary Jeh Johnson entitled Policies for the Apprehension, Detention and Removal of Undocumented Immigrants.

The memorandum can be found at:

[http://www.dhs.gov/sites/default/files/publications/14\\_1120\\_memo\\_prosecutorial\\_discretion.pdf](http://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf)

## HOW IS PEP DIFFERENT FROM SECURE COMMUNITIES?

PEP focuses on targeting individuals convicted of significant criminal offenses or who otherwise pose a threat to public safety. Under prior policy, detainers could be issued when an immigration officer had reason to believe the individual was removable and fell within one or more enumerated priorities, which included immigration-related categories and having been convicted of or charged with certain crimes.

Under PEP, ICE will only seek transfer of individuals in state and local custody in specific, limited circumstances. ICE will only issue a detainer where an individual fits within DHS's narrower enforcement priorities and ICE has probable cause that the individual is removable. In many cases, rather than issue a detainer, ICE will instead request notification (at least 48 hours, if possible) of when an individual is to be released. ICE will use this time to determine whether there is probable cause to conclude that the individual is removable.

Under PEP, DHS will no longer use the Form I-247 (Immigration Detainer - Notice of Action) and will instead use two new forms:

Form I-247N, Request for Voluntary Notification of Release of Suspected Priority Alien.

The Form I-247N requests the receiving local law enforcement agency (LEA) notify ICE of the pending release from custody of a suspected priority removable individual at least 48 hours prior to release, if possible. The Form I-247N does not request or authorize the LEA to hold an individual beyond the point at which he or she would otherwise be released. Additionally, on the Form I-247N, ICE must identify the enforcement priority under which the individual falls.

Form I-247D, Immigration Detainer - Request for Voluntary Action.

The Form I-247D requests the receiving LEA maintain custody of the priority individual for a period not to exceed 48 hours beyond the time when he or she would have otherwise been released from custody. On this form, ICE must identify the enforcement priority under which the individual falls, as well as the basis for its determination of probable cause. The LEA must also serve a copy of the request on the individual in order for it to take effect.

## PUBLIC INFORMATION

ICE's Enforcement and Removal Operations (ERO) is committed to a transparent process and to resolving concerns as promptly as possible. For this reason, concerns or questions regarding ICE practices, policies and/or programs should first be directed to the local field liaison. Stakeholders can reach out to their local ERO field office using the following website address: <http://www.ice.gov/contact/ero>.

OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS  
**PRIORITY ENFORCEMENT PROGRAM (PEP)**



U.S. Immigration  
 and Customs  
 Enforcement

**COMPARISON OF SECURE COMMUNITIES AND THE PRIORITY ENFORCEMENT PROGRAM**

SECURE COMMUNITIES	PRIORITY ENFORCEMENT PROGRAM
<p>Relied on fingerprint based biometric data submitted during bookings by state and local law enforcement agencies to the FBI for criminal background checks.</p>	<p>Continues to rely on fingerprint-based biometric data submitted during bookings by state and local law enforcement agencies to the FBI for criminal background checks.</p>
<p>Prior to December 21, 2012, the only policy limitations on detainer issuance were that: (1) a law enforcement agency (LEA) had exercised its independent authority to arrest the individual; and (2) the immigration officer had reason to believe that the individual was subject to ICE detention for removal or removal proceedings.</p> <p>Circumstances under which a detainer could be issued were narrowed by a December 12, 2012 policy memorandum, but still included individuals charged, but not yet convicted, of criminal offenses, in addition to individuals with no criminal history, such as individuals with final orders of removal from an immigration judge. Detainers could also be issued in circumstances in which ICE determined an individual posed a significant risk to national security, border security, or public safety.</p>	<p>A November 20, 2014 memorandum from DHS Secretary Jeh Johnson significantly narrows the category of individuals for whom DHS will seek transfer from LEA custody and prioritizes individuals who pose a threat to public safety. Under PEP, ICE will no longer seek transfer of individuals with civil immigration offenses alone, or those charged, but not convicted of criminal offenses.</p> <p>Instead, ICE will seek transfer where a removable individual has been convicted of specifically enumerated crimes, has intentionally participated in criminal gang activity, or poses a danger to national security.</p>
<p>Requested that LEAs detain an individual beyond his or her scheduled release date.</p>	<p>In many cases, ICE will simply request notification of when an individual who falls within the PEP priorities is to be released—rather than issue a request for detention beyond that point.</p> <p>Under PEP, detainers may only be issued in limited circumstances, when ICE indicates on the form that the individual is both a PEP enforcement priority and that there is probable cause to believe that the subject is removable (such as a final order of removal).</p>
<p>Detainer form <u>requested</u> that LEA provide a copy to the individual subject to the detainer.</p>	<p>Detainer form <u>requires</u> that LEA provide a copy to the individual subject to the detainer <u>in order for the request to be effective</u>.</p>
<p>Request to maintain custody was limited to 48 hours, excluding Saturdays, Sundays, and holidays.</p>	<p>Request to maintain custody is limited to 48 hours. Saturdays, Sundays, and holidays are no longer excluded.</p>
<p>Basis for "reason to believe" the subject was removable, and therefore subject to a request for detention, was not disclosed on the detainer form.</p>	<p>Detainer form requires that the basis for "probable cause" that an individual is removable be indicated:</p> <ul style="list-style-type: none"> <li>• final order of removal;</li> <li>• pendency of removal proceedings;</li> <li>• biometric match reflecting no lawful status or otherwise removable; or</li> <li>• statements by the subject to an immigration officer and/or other reliable evidence.</li> </ul>
<p>Some ICE detainers were issued with respect to foreign-born individuals who did not have records or a biometric match in ICE databases without any other additional information.</p>	<p>ICE no longer issues detainers in cases of foreign-born individuals who do not have records or a biometric match in ICE databases, without any other additional information. Detainers must include an indication of probable cause and that the individual is an enforcement priority under PEP.</p>

**Farag, Susan**

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**From:** Green, Robert  
**Sent:** Thursday, October 29, 2015 8:21 AM  
**To:** Farag, Susan  
**Subject:** FW: ICE Data

**ROBERT L. GREEN, Director**  
**Montgomery County Department**  
**Of Correction and Rehabilitation**



Department of Correction and Rehabilitation  
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Boyd's, Maryland 20841

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[Robert.green@montgomerycountymd.gov](mailto:Robert.green@montgomerycountymd.gov)

.....  
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**From:** Woodard, Bernard  
**Sent:** Thursday, October 29, 2015 8:17 AM  
**To:** Green, Robert  
**Subject:** RE: ICE Data

Prior to 10/7/14, the number of inmates released to ICE is the total number of detainees received.

- 2012 – 273
- 2013 – 112
- 2014 – 187

Since the CE's directive we have released 11 to ICE authorities and 85 to the community.

E. Bernard Woodard, Records Manager  
Montgomery County Department of Correction and Rehabilitation  
1307 Seven Locks Road  
Rockville, Maryland 20854  
(240) 777-9731  
(240 777-9740 (Fax)

**From:** Green, Robert  
**Sent:** Thursday, October 29, 2015 7:48 AM  
**To:** Woodard, Bernard  
**Subject:** ICE Data

Can you provide the data below. Thanks.

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