LAW ENFORCEMENT SYSTEMS & ANALYSIS

Declined Detainer Outcome Report

Prepared on: October 8, 2014

Executive Summary

Following Trust Act enactment in California and Connecticut as well as local policies in more than 270 jurisdictions nationwide limiting cooperation with Immigration and Customs Enforcement (ICE), increasing numbers of local law enforcement agencies (LEAs) have begun not honoring or declining ICE-issued detainers.[1] Concerned about the public safety risks the declined detainer population poses, Congress issued the following request:

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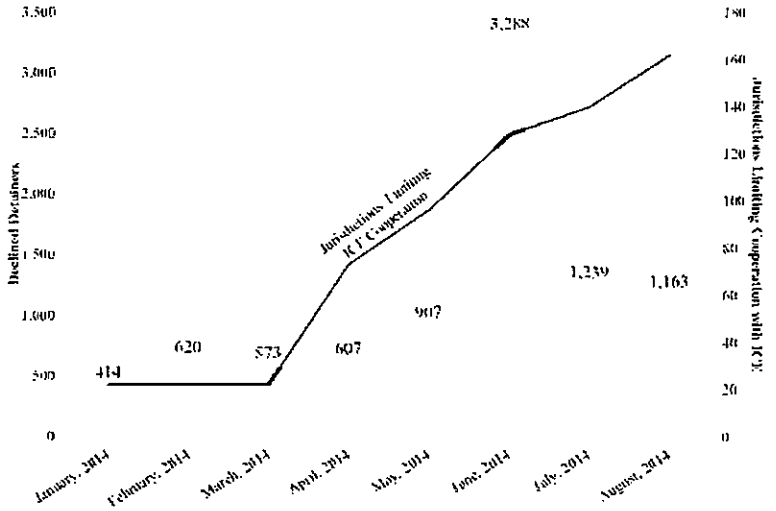
As shown in Figure 1, the number of detainers declined per month has increased substantially between May and June. On June 5, 2014, ERO Executive Associate Director Homan sent guidance to Field Offices reiterating the importance of using the "Declined by LEA" detainer lift code. This may have contributed to the large spike in June. Declined detainers then decreased in July and August, but still remained elevated from earlier months. **Between January 1, 2014 and August 31, 2014, ICE Enforcement and Removal Operations (ERO) documented 8,811 declined detainers in 276 counties in 43 states[2] including the District of Columbia.[3,4]**

Figure 1. Monthly Declined Detainers and Cumulative Jurisdictions Limiting Cooperation with ICE[5] by Month between January 1, 2014 and August 31, 2014



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ERO found that these 8,811 declined detainers were associated with 8,145 individuals. Out of these 8,145 individuals, 7,600 had one declined detainer, 464 had two declined detainers, and 81 had three or more declined detainers.[6,7]

Of the 8,811 declined detainers between January 1, 2014 and August 31, 2014, **5,419 (62 percent) declined detainers were associated with 5,132 individuals who were previously charged or convicted of a crime or presented some other public safety concern.**[8] Of this population:

- 3,143 declined detainers were associated with 2,984 individuals with a prior felony charge or conviction
- 3,020 declined detainers were associated with 1,909 individuals with a prior misdemeanor conviction or charges related to violence, threats, assaults, sexual abuse or exploitation, driving under the influence of drugs of alcohol, unlawful flight from the scene of an accident, unlawful possession of a firearm or other deadly weapon, distribution or trafficking of a controlled substance, or other significant threat to public safety
- 888 declined detainers were associated with 239 individuals with three or more prior misdemeanor convictions

Of the 8,811 declined detainers between January 1, 2014 and August 31, 2014:

- 6,397 (73 percent) declined detainers were associated with 6,278 individuals with no subsequent criminal arrest.[9] Of this population:
  - 1,766 declined detainers were associated with 1,742 individuals with subsequent ICE action (i.e., ICE arrest, book-in or removal)
  - **4,631 declined detainers were associated with 4,536 individuals with no subsequent ICE action (considered at-large)**
- 2,414 (27 percent) declined detainers were associated with 1,867 individuals with a subsequent criminal arrest. Of this population:
  - 867 declined detainers were associated with 751 individuals with subsequent ICE action (i.e., ICE arrest, book-in or removal)
  - **1,547 declined detainers were associated with 1,116 individuals with no subsequent ICE action (considered at-large)**

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Background

Immigration Detainer

The Immigration Detainer (Form I-247) is an ICE-issued notice informing an LEA that ICE intends to assume custody of an individual in the LEA's custody. ICE issues a detainer in three situations:[10]

> 1) to notify an LEA that it intends to assume custody of an alien in the LEA's custody once the alien is no longer subject to that LEA's detention;
> 2) to request information from an LEA about an alien's impending release so ICE may assume custody before the alien is released from the LEA's custody; and
> 3) to request that the LEA maintain custody of an otherwise releasable alien no longer than 48 hours to allow ICE time to assume custody.

The immigration detainer provides LEAs with information about an alien's previous criminal history (i.e., felony, multiple misdemeanor, violent misdemeanor), immigration violations (i.e., illegal entry, illegal reentry, immigration fraud), and whether he or she poses a significant risk to national security, border security, or public safety. ICE uses detainers as one of its primary means of identifying and removing criminal aliens from the interior U.S.[11]

Congressional Request

Following Trust Act enactment in California and Connecticut as well as local policies in more than 270 jurisdictions nationwide limiting cooperation with ICE, increasing numbers of LEAs have been declining ICE-issued detainers.[12] Concerned about the public safety risks the declined detainer population poses, Congress issued the following request:

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In this report, ERO both directly addresses Congress's questions and analyzes the declined detainer population, including its associated public safety risks.

Analysis

In January 2014, ICE ERO added the detainer lift code "Detainer Declined by Law Enforcement Agency (LEA)" to its case management system. This enabled ICE ERO to track all detainers LEAs declined after ICE issuance.

As Figure 2 shows, LEAs decline ICE detainers for individuals with varying criminal histories who later commit additional crimes and/or are subsequently apprehended and/or removed by ICE.

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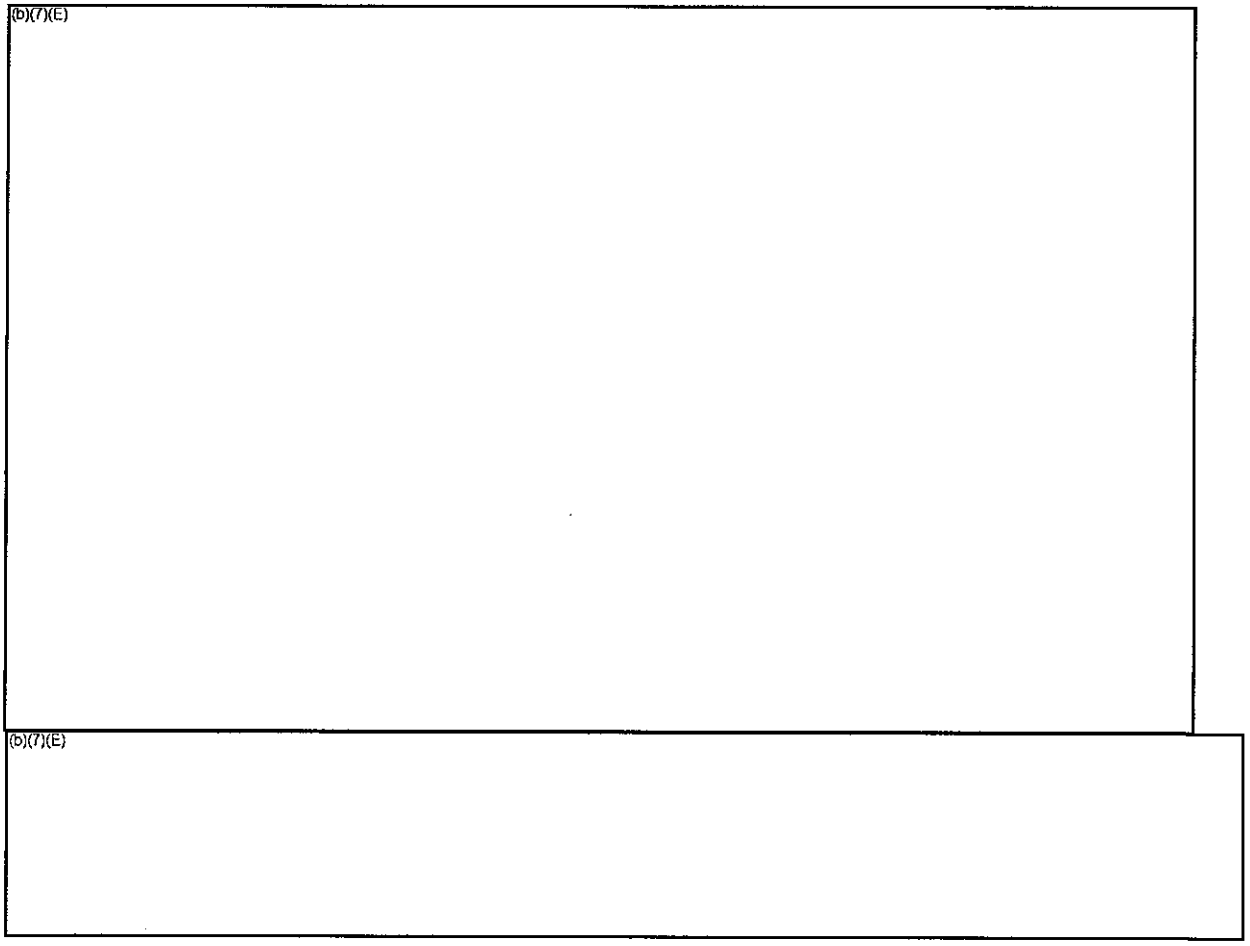
Figure 2: ICE Detainer Declination and Subsequent Criminal and ICE Action between January 1, 2014 and August 31, 2014



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ERO determined these 8,811 declined detainers applied to 8,145 individuals. Out of these 8,145 individuals, 7,600 had one declined detainer, 464 had two declined detainers, and 81 had three or more declined detainers.[13,14]

Jurisdictions

Between January 1, 2014 and August 31, 2014, 276 counties in 43 states including the District of Columbia recorded a declined detainer (see Appendix A for detailed list of jurisdictions limiting ICE cooperation). As Figure 3 shows, Santa Clara County, Los Angeles County, Alameda County, San Diego County, and Miami-Dade County recorded the most declined detainers during this time.

Figure 3. Declined Detainers by County between January 1, 2014 and August 31, 2014[15]

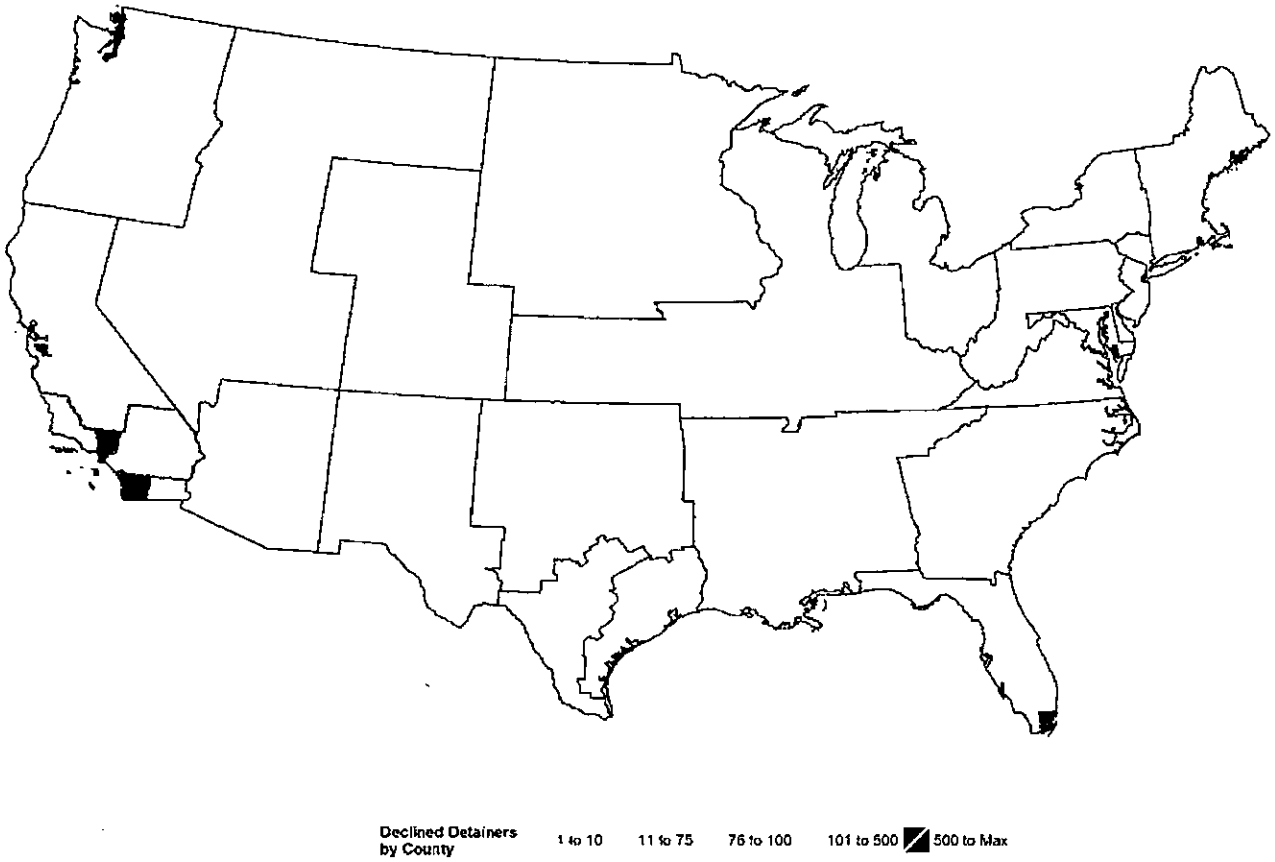

Table 1 outlines the top twenty detention facilities that declined detainers between January 1, 2014 and August 31, 2014. These facilities include Santa Clara County Jail in San Jose, California; Santa Rita Jail in Dublin, California; Twin Tower Correction Facility in Los Angeles, California; Dade Correctional Facility in Miami, Florida; and Vista Detention Facility in San Diego, California.

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Table 1. Top 20 Detention Facilities that Declined Detainers between January 1, 2014 and August 31, 2014

Detention Location - State	Declined Detainers
(b)(7)(E),(k)(2)	1294
	532
	498
	443
	341
	301
	286
	235
	197
	174
	170
	160
	159
	152
	143
	128
	125
	113
	111
	109

Prior Criminal History

Of the 8,811 declined detainers between January 1, 2014 and August 31, 2014, 5,419 (62 percent) declined detainers were associated with 5,132 individuals who were previously charged or convicted of a crime or presented some other public safety concern.[16] Of this population:

- 3,143 declined detainers were associated with 2,984 individuals with a prior felony charge or conviction
- 3,020 declined detainers were associated with 1,909 individuals with a prior misdemeanor conviction or charges related to violence, threats, assaults, sexual abuse or exploitation, driving under the influence of drugs of alcohol, unlawful flight from the scene of an accident, unlawful possession of a firearm or other deadly weapon, distribution or trafficking of a controlled substance, or other significant threat to public safety
- 888 declined detainers were associated with 239 individuals with three or more prior misdemeanor convictions

Subsequent Criminality and ICE Action

Of the 8,811 declined detainers between January 1, 2014 and August 31, 2014:

- 6,397 (73 percent) declined detainers were associated with 6,278 individuals with no subsequent criminal arrest.[17] Of this population:
    - 1,766 declined detainers were associated with 1,742 individuals with subsequent ICE action (i.e., ICE arrest, book-in or removal)
    - 4,631 declined detainers were associated with 4,536 individuals with no subsequent ICE action (considered at-large)
- 2,414 (27 percent) declined detainers were associated with 1,867 individuals with a subsequent criminal arrest. Of this population:
    - 867 declined detainers were associated with 751 individuals with subsequent ICE action (i.e., ICE arrest, book-in or removal)
    - 1,547 declined detainers were associated with 1,116 individuals with no subsequent ICE action (considered at-large)

1,867 individuals were later arrested 4,298 times after their initial detainers were declined. These subsequent arrests constitute 7,491 charges, as most individuals have multiple charges per arrest. The top criminal arresting charges after a declined detainer are dangerous drugs (10 percent of all charges), driving under the influence of liquor (7 percent), traffic offense (6 percent), stolen vehicle (5 percent), and arson (5 percent).

Spotlight: Subsequent Criminality

Of the more than 4,000 subsequent criminal arrests, individuals with previously declined detainers committed six particularly high-profile crimes against person(s) and/or property:

- On April 16, 2014, Santa Clara County law enforcement arrested an individual for felony first degree burglary and felony resisting an officer causing death or significant bodily injury. Despite nine previous convictions (including seven felonies) since 1996, and a prior removal from the United States, local law enforcement did not honor an immigration detainer ICE issued for the individual. After local law enforcement declined the detainer, the individual was convicted of second degree burglary and obstructing a public officer. On October 1, 2014, the individual was arrested for use/under influence of a controlled substance.

- On April 6, 2014, Los Angeles, California law enforcement arrested an individual for felony continuous sexual abuse of a child. Despite the severity of that charge, local law enforcement did not honor an immigration detainer ICE issued for the individual. After local law enforcement declined the detainer, the individual was arrested for felony sodomy of a victim under 10 years old.

- On March 19, 2014, San Francisco, California law enforcement arrested an individual for felony second degree robbery, felony conspiracy to commit a crime, and felony possession of a narcotic controlled substance. Despite two prior removals from the United States and an extensive criminal history, local law enforcement did not honor an immigration detainer ICE issued for the individual. After local law enforcement declined the detainer, the individual was arrested for felony conspiracy to commit a crime, felony sexual penetration with force, felony preventing or dissuading a victim or

witness, felony rape with force or violence, felony rape with force or fear, and felony false imprisonment.

- On February 16, 2014, San Mateo County, California law enforcement arrested an individual for felony lewd or lascivious acts with a child under 14 years old. Despite a prior misdemeanor DUI conviction and the severity of the current charge, local law enforcement did not honor an immigration detainer ICE issued for the individual. After local law enforcement declined the detainer, the individual was arrested for three counts of felony oral copulation with a victim under 10 years old and two counts of felony lewd or lascivious acts with a child under 14 years old.

- On December 19, 2013, the Miami Beach, Florida Police Department arrested an individual for felony grand theft. This individual has a final order of removal from 2009. Despite prior felony convictions for strong-arm robbery and cocaine possession, and prior misdemeanor convictions for larceny, trespassing, theft, marijuana possession, and resisting an officer, local law enforcement decided to not honor an immigration detainer ICE issued for the individual. After local law enforcement declined the detainer, the individual was arrested for aggravated assault with a weapon and larceny. On October 1, 2014, he was arrested for being under the influence of a controlled substance.

- On November 7, 2013, Santa Clara County, California law enforcement arrested an individual for felony grand theft and felony dealing with stolen property. This individual had a final order of removal from 2010. Despite prior felony convictions for narcotic possession, theft, and two other unnamed crimes; and misdemeanor convictions for receiving stolen property and illegal entry, local law enforcement did not honor an immigration detainer ICE issued for the individual. After local law enforcement declined the detainer, the individual was arrested for felony petty theft with priors, felony first degree burglary, and felony resisting an officer causing death or severe bodily injury. Additionally, the charges associated with his November 7, 2013 arrest ultimately resulted in a felony conviction.

Appendix A

Information on Jurisdictions That Have Implemented Detainer Policies Limiting Cooperation with ICE[18]

State-Level Legislation

California

On January 1, 2014, California's AB 4, also known as the Trust Act, went into effect, specifying that local law enforcement agencies need only honor ICE detainers for aliens who meet at least one of the following criteria:[19]

- Specific serious or violent felony conviction;
- Felony conviction punishable by state imprisonment;
- Specific sexual crimes conviction;
- Misdemeanor conviction within the past five years for a crime that is punishable as either a misdemeanor or a felony, or conviction at any time of a felony for specified offenses
- Federal conviction that meets the definition of aggravated felony;
- Outstanding federal felony arrest warrant as identified by ICE;
- Arrested and taken before a magistrate on a serious or felony charge other than domestic violence and warranting a probable cause finding; or
- Currently registered in the California Sex and Arson Registry.

Even if an individual fits one of these criteria, local law enforcement agencies still have discretion as to whether to honor the detainer.[20]

Connecticut

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Connecticut's SB 6659, also known as the Trust Act, went into effect January 1, 2014.[21] Under the legislation, local law enforcement agencies will honor ICE detainers if an individual is convicted of a felony, has a final order of removal, is subject to pending criminal charges, has an outstanding arrest warrant, or is an identified gang member, among other criteria.[22]

Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
Colorado County Jails, Colorado (Denver)	September 2014	County Jails' Decision[23]	• All county jails in Colorado will not honor ICE detainer
Suffolk County, New York (New York City)	September 2014	County Sheriff's Office Decision[24]	• Will not honor ICE detainer without a warrant
Sarpy County, Nebraska (St. Paul)	September 2014	County Sheriff's Office Decision[25]	• Will not honor ICE detainer without a warrant
Lancaster County, Nebraska (St. Paul)	September 2014	County Sheriff's Office Decision[26]	• Will not honor ICE detainer without a warrant
Washoe County, Nevada (Salt Lake City)	September 2014	County Sheriff's Office Decision[27]	• Will not honor ICE detainer unless provided with a warrant which could be issued without review by a judge
Hillsborough County, Florida (Miami)	August 2014	County Sheriff's Office Decision[28]	• Will not honor ICE detainer unless provided with a federal warrant from a judge or a federal deportation order from a federal judge
Boston, Massachusetts (Boston)	August 2014	Boston Trust Act[29]	• Will not honor ICE detainer without a criminal warrant

(b)(7)(E)

Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
Delaware County, Iowa (St. Paul)	August 2014	County Jail's Decision[30]	• Will not honor ICE detainer without a court order
Dubuque County, Iowa (St. Paul)	August 2014	County Jail's Decision[31]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Allamakee County, Iowa (St. Paul)	August 2014	County Jail's Decision[32]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Winneshiek County, Iowa (St. Paul)	August 2014	County Jail's Decision[33]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Jefferson County, Iowa (St. Paul)	August 2014	County Jail's Decision[34]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Wapello County, Iowa (St. Paul)	August 2014	County Jail's Decision[35]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Iowa County, Iowa (St. Paul)	August 2014	County Jail's Decision[36]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Benton County, Iowa (St. Paul)	August 2014	County Jail's Decision[37]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Franklin County, Iowa (St. Paul)	August 2014	County Jail's Decision[38]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Marion County, Iowa (St. Paul)	August 2014	County Jail's Decision[39]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Greene County, Iowa (St. Paul)	August 2014	County Jail's Decision[40]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Cass County, Iowa	August 2014	County Jail's Decision[41]	• Will not honor ICE detainer unless a judge has approved the move with

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Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
(St. Paul)			a probable cause warrant
Montgomery County, Iowa (St. Paul)	August 2014	County Jail's Decision[42]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Fremont County, Iowa (St. Paul)	August 2014	County Jail's Decision[43]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Ida County, Iowa (St. Paul)	August 2014	County Jail's Decision[44]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Pottawattamie County, Iowa (St. Paul)	August 2014	County Jail's Decision[45]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Monona County, Iowa (St. Paul)	August 2014	County Jail's Decision[46]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Ocean County, New Jersey (Newark)	August 2014	Department of Corrections Policy[47]	• Ocean County Department of Corrections will not honor ICE detainer unless individual has an indictable offense of the first, second, or third degree and involve one of the following offenses[48]: o Offenses for danger to the person or community; o Offenses against property; o Offenses against others' o Offenses against public order, health, and decency; or o Other offenses such as escape and eluding an officer or tampering with witnesses and informant
Union County, New Jersey (Newark)	August 2014	County Counsel's Decision[49]	• Will not honor ICE detainer without warrant, court order, or other legally sufficient proof of probable cause from ICE
Franklin County, New York (Buffalo)	August 2014	County Sheriff's Office Decision[50]	• Will not honor ICE detainer without warrant

(b)(7)(E)

Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
St. Lawrence County, New York (Buffalo)	August 2014	County Sheriff's Office Decision[51]	• Will not honor ICE detainer
Onondaga County, New York (Buffalo)	July 2014	County Sheriff's Office Decision[52]	• Onondaga County Justice Center Jail will not honor ICE detainer without a signed warrant
Saratoga County, New York (Buffalo)	July 2014	County Sheriff's Office Decision[53]	• Will not honor ICE detainer
Rensselaer County, New York (Buffalo)	July 2014	County Sheriff's Office Decision[54]	• Will not honor ICE detainer
Wayne County, New York (Buffalo)	July 2014	County Sheriff's Office Decision[55]	• Will not honor ICE detainer
Polk County, Iowa (St. Paul)	July 2014	County Sheriff's Office Decision[56]	• Will not honor ICE detainer without judge's approval.
Palm Beach County, Florida (Miami)	July 2014	County Sheriff's Office Decision[57]	• Will not honor ICE detainer without judicial authority, an official order of deportation, or warrant signed by a federal judge or magistrate
Rhode Island Department of Corrections, Rhode Island (Boston)	July 2014	Department of Corrections Policy from Governor[58]	• Will not honor ICE detainer without a warrant
Hall County, Nebraska (St. Paul)	July 2014	County Corrections Decision[59]	• Hall County Corrections will not honor ICE detainer without a warrant
Clark County, Nevada (Salt Lake City)	July 2014	County Sheriff's Office Decision[60]	• Will not honor ICE detainer without judicial determination of probable cause or warrant from a judicial officer.
Pinellas County,	July 2014	County Sheriff's Office	• Will not honor ICE detainer

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Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
Florida (Miami)		Decision[61]	
Middlesex County, New Jersey (Newark)	July 2014	County Decision[62]	• Will not honor ICE detainer unless an individual: o Is charged with a first- or second-degree crime; o Is identified as a known gang member; or o Has been subject to a final order of removal by ICE
Los Angeles, California (Los Angeles)	July 2014	Los Angeles Police Department Decision[63,64]	• Los Angeles Police Department will not honor ICE detainer without a court order or arrest warrant
Nassau County, New York (New York City)	June 2014	County Sheriff's Office Decision[65]	• Will not honor ICE detainer without a warrant
Cambridge, Massachusetts (Boston)	June 2014	City Council Resolution[66]	• Will not honor ICE detainer unless in cases where immigration agents have a criminal warrant or Cambridge officials have a legitimate law enforcement purpose not related to immigration
Broward County, Florida (Miami)	June 2014	County Sheriff's Office Decision[67]	• Will not honor ICE detainer without order of removal or an administrative arrest order
Hernando County, Florida (Miami)	June 2014	County Sheriff's Office Decision[68]	• Will not honor ICE detainer
Pasco County, Florida (Miami)	June 2014	County Sheriff's Office Decision[69]	• Will not honor ICE detainer without probable cause
Travis County, Texas (San Antonio)	June 2014	County Sheriff's Office Decision[70]	• Will not honor ICE detainer without another accompanying criminal charge
Orange County, California (Los	June 2014	County Sheriff's Office Decision[71]	• Will not honor ICE detainer

(b)(7)(E)

Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
Angeles)			
Los Angeles County, California (Los Angeles)	June 2014	County Sheriff's Office Decision[72]	• Will not honor ICE detainer
Larimer County, Colorado (Denver)	June 2014	County Sheriff's Office Decision[73]	• Will not honor ICE detainer
Arapahoe County, Colorado (Denver)	June 2014	County Sheriff's Office Decision[74]	• Will not honor ICE detainer
Harvey County, Kansas (Chicago)	June 2014	County Sheriff's Office Decision[75]	• Will not honor ICE detainer without a court order or warrant
Butler County, Kansas (Chicago)	June 2014	County Sheriff's Office Decision[76]	• Will not honor ICE detainer without a court order or warrant
North Dakota State Penitentiary, North Dakota (St. Paul)	June 2014	State Policy[77]	• Will not honor ICE detainer
South West Multiple County Correctional Center, SWMCCC, North Dakota (St. Paul)	June 2014	SWMCCC Policy[78]	• Will not honor ICE detainer unless ICE pays for cost of detention
South Tucson, Arizona (Phoenix)	June 2014	South Tucson Police Department[79]	• Will not honor ICE detainer unless there is probable cause or if detainer is facially invalid
Story County, Iowa (St. Paul)	June 2014	County Sheriff's Office Decision[80]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Linn County, Iowa	June 2014	County Sheriff's Office	• Will not honor ICE detainer unless a judge has approved the move with

(b)(7)(E)

Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
(St. Paul)		Decision[81]	a probable cause warrant
Clinton County, Iowa (St. Paul)	June 2014	County Sheriff's Office Decision[82]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Johnson County, Iowa (St. Paul)	June 2014	County Sheriff's Office Decision[83]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Sioux County, Iowa (St. Paul)	June 2014	County Sheriff's Office Decision[84]	• Will not honor ICE detainer unless a judge has approved the move with a probable cause warrant
Otero County, New Mexico (El Paso)	June 2014	County Decision[85]	• Will not honor ICE detainer
Luna County, New Mexico (El Paso)	June 2014	County Decision[86]	• Will not honor ICE detainer
Santa Fe County, New Mexico (El Paso)	June 2014	Santa Fe County Detention Center Policies and Procedures[87]	• Will not honor ICE detainer unless an individual is a threat to national security, as defined by Department of Homeland Security, or is a convicted felon
Bernalillo County, New Mexico (El Paso)	June 2014	Detention Center Policy[88]	• Metropolitan Detention Center will not honor ICE detainer unless an individual: o Has been convicted of a felony; o Has been convicted of two or more misdemeanors; or o Is currently charged with a violent felony offense
Doña Ana County, New Mexico (El Paso)	June 2014	County Manager's Decision[89]	• Doña Ana County Detention Center will not honor ICE detainer
East Haven,	June 2014	East Haven Police	• Will not honor ICE detainer

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Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
Connecticut (Boston)		Department Policies and Procedures No. 428.2[90]	
Sedgwick County, Kansas (Chicago)	June 2014	County Sheriff's Decision[91]	• Will not honor ICE detainer without a court order or warrant
Shawnee County, Kansas (Chicago)	June 2014	County Jail Decision[92]	• Shawnee County Jail will not honor ICE detainer without probable cause or a warrant
Johnson County, Kansas (Chicago)	June 2014	County Sheriff's Office Decision[93]	• Will not honor ICE detainer without probable cause or a warrant
Finney County, Kansas (Chicago)	June 2014	County Sheriff's Office Decision[94]	• Will not honor ICE detainer without probable cause or a warrant
Ramsey County, Minnesota (St. Paul)	June 2014	County Sheriff's Office Decision[95]	• Will not honor ICE detainer unless there is a judicial order or criminal probable cause
Hennepin County, Minnesota (St. Paul)	June 2014	County Sheriff's Office Decision[96]	• Will not honor ICE detainer unless there is approval of a federal magistrate or judge
Orange County Probation Department, California (Los Angeles)	June 2014	Probation Department Decision[97]	• Will not honor ICE detainer unless supported by probable cause such as an arrest warrant
Napa County, California (San Francisco)	June 2014	County Jail Decision[98]	• Napa County jail will not honor ICE detainer without a court order
Sacramento County, California (San Francisco)	May 2014	County Sheriff's Office Decision[99]	• Will not honor ICE detainer

(b)(6),(b)(7)(C)

Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
San Juan County, Washington (Seattle)	May 2014	County Sheriff's Office Decision[100]	• Will not honor ICE detainer
San Diego County, California (San Diego)	May 2014	County Sheriff's Office Decision[101]	• Will not honor ICE detainer unless presented with an arrest warrant based on a probable cause finding by ICE • In cases where ICE has an immigration interest in an inmate and no ICE arrest warrant has been presented, the county will continue its practice of notifying ICE of the date, time and location of inmate's release
San Francisco County, California (San Francisco)	May 2014	County Sheriff's Decision[102,103]	• Will not honor ICE detainers unless they are supported by judicial determination of probable cause or with a warrant of arrest
Contra Costa County, California (San Francisco)	May 2014	County Sheriff's Office Decision[104]	• Will not honor ICE detainer unless supported by a judge's order
San Mateo County, California (San Francisco)	May 2014	County Sheriff's Office Decision[105]	• Will not honor ICE detainer within San Mateo County adult correctional system unless a rare exception arises in cases of individuals who pose significant public safety concerns, which would require case-by-case approval from the Sheriff's Executive staff
Sonoma County, California (San Francisco)	May 2014	County Sheriff's Office Decision[106]	• Will not honor ICE detainer unless supported by probably cause such as an arrest warrant
Lehigh County, Pennsylvania (Philadelphia)	May 2014	Board of Commissioners Resolution 2014-36[107]	• Will not honor ICE detainer without a judicially issued detainer, warrant, or order
Alameda County, California (San	May 2014	County Office Sheriff's Decision[108,109]	• Will not honor ICE detainer at Santa Rita Jail (SRJ) and Glenn Dyer

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Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
Francisco)			Jail (GDJ) unless supported by a judge's order
Somerville, Massachusetts (Boston)	May 2014	Mayoral Executive Order[110]	• Will not honor ICE detainer unless ICE provides criminal warrant or if there is a legitimate law enforcement purpose beyond immigration status for keeping a suspect in custody after bail is posted or a judge releases the individual
Riverside County, California (Los Angeles)	May 2014	County Sheriff's Office Decision[111]	• Will not honor ICE detainer
San Bernardino County, California (Los Angeles)	May 2014	County Sheriff's Office Decision[112]	• Will not honor ICE detainer
Monterey County, California (San Francisco)	May 2014	County Sheriff's Office Decision[113]	• Will not honor ICE detainer
Santa Cruz County, California (San Francisco)	May 2014	County Sheriff's Office Decision[114]	• Will not honor ICE detainer without some other underlying offense
Aurora Detention Center, Aurora Colorado (Denver)	May 2014	Detention Center Decision[115]	• Will not honor ICE detainer
Pueblo County, Colorado (Denver)	May 2014	County Sheriff's Office Decision[116]	• Will not honor ICE detainer
Garfield County, Colorado (Denver)	May 2014	County Sheriff's Office Decision[117]	• Will not honor ICE detainer

(b)(7)(E)

Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
Pitkin County, Colorado (Denver)	May 2014	County Sheriff's Office Decision[118]	• Will not honor ICE detainer
Clallam County, Washington (Seattle)	May 2014	County Sheriff's Office Decision[119]	• Will not honor ICE detainer
Jefferson County, Washington (Seattle)	May 2014	County Sheriff's Office Decision[120]	• Will not honor ICE detainer
Franklin County, Washington (Seattle)	May 2014	County Sheriff's Office Decision[121]	• Will not honor ICE detainer
Benton County, Washington (Seattle)	May 2014	County Sheriff's Office Decision[122]	• Will not honor ICE detainer
Whatcom County, Washington (Seattle)	May 2014	County Sheriff's Office Decision[123]	• Will not honor ICE detainer
Yakima County, Washington (Seattle)	May 2014	County Department of Corrections Director's Decision[124]	• Will not honor ICE detainer
Skagit County, Washington (Seattle)	May 2014	County Sheriff's Office Decision[125]	• Will not honor ICE detainer
Chelan County, Washington (Seattle)	April 2014	Chelan County Jail Decision[126]	• Will not honor ICE detainer
Clark County, Washington (Seattle)	April 2014	Chief Jail Deputy's Decision[127]	• Will not honor ICE detainer unless ICE provides an affidavit of probable cause
Cowlitz County, Washington (Seattle)	April 2014	County Sheriff's Office Decision[128]	• Will not honor ICE detainer

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Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
Pierce County, Washington (Seattle)	April 2014	County Sheriff's Office Decision[129]	• Will not honor ICE detainer
Snohomish County, Washington (Seattle)	April 2014	County Sheriff's Office Decision[130]	• Will not honor ICE detainer
Spokane County, Washington (Seattle)	April 2014	County Sheriff's Office Decision[131]	• Will not honor ICE detainer
Kent City Jail, King County Washington (Seattle)	April 2014	Detention Center Decision[132]	• Will not honor ICE detainer
South Correctional Entity (SCORE) Jail, King County Washington (Seattle)	April 2014	Detention Center Decision[133]	• Will not honor ICE detainer
Baker County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[134]	• Will not honor ICE detainer
Clatsop County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[135]	• Will not honor ICE detainer
Denver County, Colorado (Denver)	April 2014	County Sheriff's Office Decision[136]	• Will not honor ICE detainer unless accompanied by a criminal warrant or some other form that gives legal authority to hold the individual
Grand County, Colorado (Denver)	April 2014	County Sheriff's Office Decision[137]	• Will not honor ICE detainer
Jefferson County, Colorado (Denver)	April 2014	County Sheriff's Office Decision[138]	• Will not honor ICE detainer
Routt County, Colorado (Denver)	April 2014	County Sheriff's Office Decision[139]	• Will not honor ICE detainer

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Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
Mesa County, Colorado (Denver)	April 2014	County Sheriff's Office Decision[140]	• Will not honor ICE detainer unless criminal charges are pending
San Miguel County, Colorado (Denver)	April 2014	County Sheriff's Office Decision[141]	• Will not honor ICE detainer unless ICE files an arrest warrant signed by a federal magistrate explaining why an individual should be held
Boulder County, Colorado (Denver)	April 2014	County Sheriff's Office Decision[142]	• Will not honor ICE detainer unless ICE has an arrest warrant for an individual.
Thurston County, Washington (Seattle)	April 2014	County Sheriff's Office Decision[143]	• Will not honor ICE detainer
Kitsap County, Washington (Seattle)	April 2014	County Sheriff's Office Decision[144]	• Kitsap County Jail will not honor ICE detainer unless shown an order of deportation signed by a judge
Walla Walla County, Washington (Seattle)	April 2014	County Sheriff's Office Decision[145]	• Will not honor ICE detainer
Baltimore, Maryland (Baltimore)	April 2014	Maryland Department of Public Safety and Correctional Services (DPSCS) Policy[146,147]	• Baltimore City Detention Center will not honor ICE detainers unless an individual: o Has a prior felony conviction or has been charged with a felony offense; o Has three or more prior misdemeanor convictions; o Has a prior misdemeanor conviction or has been charged with a misdemeanor for an offense that involves violence, threats, or assaults; sexual abuse or exploitation; driving under the influence of alcohol or a controlled substance; among other crimes; o Otherwise poses a significant risk to national security,

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Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
			border security, or public safety; or o Has an order of deportation or removal from the United States
Wallowa County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[148]	• Will not honor ICE detainer without court order or warrant
Curry County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[149]	• Will not honor ICE detainer without court order or warrant
Yamhill County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[150]	• Will not honor ICE detainer without court order or warrant
Union County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[151]	• Will not honor ICE detainer without court order or warrant
Tillamook County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[152]	• Will not honor ICE detainer without court order or warrant
Malheur County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[153]	• Will not honor ICE detainer without court order or warrant
Linn County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[154]	• Will not honor ICE detainer without court order or warrant
Jefferson County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[155]	• Will not honor ICE detainer without court order or warrant
Josephine County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[156]	• Will not honor ICE detainer without court order or warrant
Grant County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[157]	• Will not honor ICE detainer without court order or warrant
Douglas County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[158]	• Will not honor ICE detainer without court order or warrant

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Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
			decided to no longer honor detainers
Gilliam County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[171]	• Will not honor ICE detainers for individuals NORCOR which has decided to no longer honor detainers
Wasco County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[172]	• Will not honor ICE detainers for individuals in NORCOR which has decided to no longer honor detainers
Hood River County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[173]	• Will not honor ICE detainers for individuals in NORCOR which has decided to no longer honor detainers[174]
Marion County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[175]	• Will not honor ICE detainer without court order or warrant
Deschutes County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[176]	• Will not honor ICE detainer without court order or warrant
Clackamas County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[177]	• Will not honor ICE detainer unless there is probable cause for such detention
Washington County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[178]	• Will not honor ICE detainer without court order or warrant Sheriff's office will now only send a daily roster of foreign-born individuals in county custody instead of notifying ICE of each person individually
Multnomah County, Oregon (Seattle)	April 2014	County Sheriff's Office Decision[179,180]	• Will not honor ICE detainer without court order or warrant
Philadelphia, Pennsylvania	April 2014	Mayoral Executive Order[181]	• Has a prior conviction for a first or second degree felony offense involving violence and the detainer is accompanied by a judicial arrest

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Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
(Philadelphia)			warrant • Order also prohibits notice to ICE of the pending release of subjects of interest to ICE unless the above criteria is met
Miami-Dade County, Florida (Miami)	December 2013	Resolution R-1008-13[182,183]	• Require agreement from ICE reimbursing costs in honoring detainer; and o Convicted of Forcible Felony, as defined in Florida state statute; or o Is in jail pending a charge of a non-bondable offense
King County, Washington (Seattle)	December 2013	Ordinance 2013-0285 ICE Detainer Ordinance[184]	• Convicted of a homicide at any time in the past; • Convicted of a violent, serious, sex, or serious traffic offense within the past 10 years; or • Released from prison after serving sentence for violent, serious, sex, or serious traffic offense conviction, among other criteria
Orleans Parish, Louisiana (New Orleans)	August 2013	Case 2:11-cv-00225-SS[185,186]	• Charged with first or second degree murder, aggravated rape, aggravated kidnapping, treason, or armed robbery with the use of a firearm
Newark, New Jersey (Newark)	July 2013	Newark Police Department General Order 13-04[187]	• Will not honor ICE detainer
New York City, New York (New York City)	May 2013	Local Laws of the City of New York No. 62 (2011)[188], No. 21 (2013)[189], No. 22 (2013)[190]	• Convicted of a covered crime which is a misdemeanor or felony charge except when such charge relates to the patronizing of a prostitute or certain vehicle and traffic laws; • Is a defendant in a pending covered criminal case which is a felony or misdemeanor charge involving a firearm, among other criteria; • Has an outstanding criminal warrant; • Identified as known gang member; or • Is a match in the terrorist screening database

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Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
Berkley, California (San Francisco)	October 2012	General Order J-1 [139][191]	• Arrested for a serious or violent felony; • Convicted of a homicide crime or a serious or violent felony within 10 years of the request; or • Released after having served a sentence for a serious or violent felony within five years of the request
Washington, DC (Washington DC)	July 2012	Immigration Detainer Compliance Amendment Act of 2011[192]	• Require written agreement from ICE reimbursing costs in honoring detainer; and o Convicted of a dangerous crime; o Convicted of a crime of violence within the last 10 years; o Convicted of a homicide; or o Released in the past five years for these crimes
Chicago, Illinois (Chicago)	July 2012	Municipal Code of Chicago Chapter 2-173-005 and 2-173-042[193]	• Has an outstanding criminal warrant; • Convicted of a felony; • Is a defendant in a criminal case where a judgment has not been entered and a felony charge is pending; or • Identified as known gang member
Milwaukee, Wisconsin (Chicago)	June 2012	Resolution 12-135[194]	• Convicted of at least one felony or two non-traffic misdemeanor offenses; • Convicted or charged with any domestic violence offense or any violation of a protective order; • Convicted or charged with intoxicated use of a vehicle; • Is a defendant in a pending criminal case; • Has an outstanding criminal warrant; • Identified as known gang member; or • Is a possible match on the US terrorist watch list
Amherst, Massachusetts (Boston)	May 2012	Bylaw Regarding Sharing of Information with Federal Agencies[195,196]	• To the extent permissible by law, will not honor immigration detainer requests

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Jurisdiction (AOR)	Date Enacted	Policy	Criteria for Honoring Detainer
Champaign County, Illinois (Chicago)	March 2012	County Sherriff's Office Decision[197]	• Will not be honor ICE detainer
Santa Clara County, California (San Francisco)	October 2011	County of Santa Clara Board Policy 3.54[198]	• Require agreement from ICE reimbursing costs in honoring detainer; and o Convicted of serious or violent felony for which he or she in custody; o Convicted of serious or violent felony within 10 years of request; o Released or served sentence and released within five years of request; or o Convicted of a homicide
Cook County, Illinois (Chicago)	September 2011	Ordinance 11-0-73; Chapter 46 Law Enforcement, Section 46-37 of Cook County Code[199]	• Require written agreement from ICE reimbursing costs in honoring detainer
Taos, New Mexico (El Paso)	January 2011	Taos County Adult Detention Center Policies and Procedures[200]	• Convicted of at least one felony or two or more misdemeanors
San Miguel, New Mexico (El Paso)	December 2010	San Miguel County Detention Center Policies and Procedures[201]	• Require agreement from ICE reimbursing costs in honoring detainer
Hartford, Connecticut (Boston)	August 2008	Article XXI - City Services Relating To Immigration Status (Ord. No. 20-08, 8-11-08)[202]	• Will not arrest or detain a person based solely on their immigration status unless there is a criminal warrant

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