

APPENDIX A

Appendix A

For purposes of Section I.G. of the Agreement, regardless of any operational changes during the pendency of the Agreement, the “Detainer Functions of the PERC” includes the review of Immigration Alien Responses (IARs), including any successor process to the IAR, and issuance of Box 3 and Box 4 ICE Detainers, during the times set forth below for individuals detained in the geographical locations set forth below, regardless of where the review of the IAR or issuance of the Box 3 and Box 4 ICE Detainer takes place.

<u>Geographic Location of Subject</u>	<u>Time Period¹ Weekdays</u>	<u>Time Period² Weekends and Federal Holidays</u>
Alabama	4pm to 4am	4pm to 4am
Arkansas	4pm to 4am	4pm to 4am
American Samoa	6pm to 6am	6pm to 6am
California – Central District of California	24 hours/day	24 hours/day
California – Counties in ICE Enforcement and Removal Operations (ERO) San Francisco Area of Responsibility (AOR) ³	6pm to 6am	6pm to 6am
Connecticut	3pm to 3am	3pm to 3am
Delaware	3pm to 3am	3pm to 3am

¹ All times included herein are Pacific Time.

² All times included herein are Pacific Time.

³ Alameda County; Alpine County; Amador County; Butte County; Calaveras County; Colusa County; Contra Costa County; Del Norte County; El Dorado County; Fresno County; Glenn County; Humboldt County; Inyo County; Kern County; Kings County; Lake County; Lassen County; Madera County; Marin County; Mariposa County; Mendocino County; Merced County; Modoc County; Mono County; Monterey County; Napa County; Nevada County; Placer County; Plumas County; Sacramento County; San Benito County; The City and County of San Francisco; San Joaquin County; San Mateo County; Santa Clara County; Santa Cruz County; Shasta County; Sierra County; Siskiyou County; Solano County; Sonoma County; Stanislaus County; Sutter County; Tehama County; Trinity County; Tulare County; Tuolumne County; Yolo County; and Yuba County.

<u>Geographic Location of Subject</u>	<u>Time Period Weekdays</u>	<u>Time Period Weekends and Federal Holidays</u>
Florida: Limited Counties in the ICE ERO New Orleans AOR ⁴	4pm to 4am	4pm to 4am
Georgia	7pm to 3am	7pm to 3am
Guam	6pm to 6am	6pm to 6am
Hawaii	6pm to 6am	6pm to 6am
Idaho	5pm to 5am	5pm to 5am
Illinois	4pm to 4am	4pm to 4am
Indiana	4pm to 4am	4pm to 4am
Iowa	4pm to 4am	4pm to 4am
Kansas	4pm to 4am	4pm to 4am
Kentucky	4pm to 4am	4pm to 4am
Louisiana	4pm to 4am	4pm to 4am
Maine	3pm to 3am	3pm to 3am
Maryland	3pm to 3am	3pm to 3am
Massachusetts	3pm to 3am	3pm to 3am
Michigan	3pm to 3am	3pm to 3am
Minnesota	4pm to 4am	4pm to 4am
Mississippi	4pm to 4am	4pm to 4am
Missouri	4pm to 4am	4pm to 4am

⁴ Escambia County and Santa Rosa County

<u>Geographic Location of Subject</u>	<u>Time Period Weekdays</u>	<u>Time Period Weekends and Federal Holidays</u>
Montana	5pm to 5am	5pm to 5am
Nebraska	4pm to 4am	4pm to 4am
Nevada	6pm to 6am	6pm to 6am
New Hampshire	3pm to 3am	3pm to 3am
New Jersey	3pm to 3am	3pm to 3am
New Mexico	9pm to 5am	9pm to 5pm on weekends and 24 hours on federal holidays
New York – Except the Five Boroughs of New York City	3pm to 3am	3pm to 3am
North Carolina	7pm to 3am	7pm to 3am
North Dakota	4pm to 4am	4pm to 4am
Northern Mariana Islands	6pm to 6am	6pm to 6am
Ohio	3pm to 3am	3pm to 3am
Pennsylvania	3pm to 3am	3pm to 3am on weekends and 24 hours on federal holidays
Rhode Island	3pm to 3am	3pm to 3am
South Carolina	7pm to 3am	7pm to 3am
South Dakota	4pm to 4am	4pm to 4am
Tennessee	4pm to 4am	4pm to 4am

<u>Geographic Location of Subject</u>	<u>Time Period Weekdays</u>	<u>Time Period Weekends and Federal Holidays</u>
Texas: Limited Counties in the ICE ERO El Paso AOR ⁵	9pm to 5am	9pm to 5am on weekends and 24 hours on federal holidays
Texas: Limited Counties in the ICE ERO Harlingen AOR ⁶	4pm to 4am	4 pm to 4am
Texas: Limited Counties in the ICE ERO Houston AOR ⁷	4pm to 4am	4pm to 4am
Utah	5pm to 5am	5pm to 5am
Vermont	3pm to 3am	3pm to 3am
Virginia	3pm to 3am	3pm to 3am
Washington, D.C.	3pm to 3am	3pm to 3am
West Virginia	3pm to 3am	3pm to 3am
Wisconsin	4pm to 4am	4pm to 4am
Wyoming	5pm to 5am	5pm to 5am

⁵ Andrews County; Brewster County; Crane County; Culberson County; Ector County; El Paso County; Hudspeth County; Jeff Davis County; Loving County; Martin County; Midland County; Pecos County; Presidio County; Reeves County; Terrell County; Upton County; Ward County; and Winkler County.

⁶ Aransas County; Jim Wells County; Kleberg County; Nueces County; and San Patricio County.

⁷ Angelina County; Austin County; Bee County; Brazoria County; Brazos County; Burleson County; Calhoun County; Chambers County; Colorado County; Dewitt County; Fayette County; Fort Bend County; Galveston County; Goliad County; Grimes County; Hardin County; Harris County; Houston County; Jackson County; Jasper County; Jefferson County; Lavaca County; Lee County; Leon County; Liberty County; Live Oak County; Madison County; Matagorda County; Milam County; Montgomery County; Nacogdoches County; Newton County; Orange County; Polk County; Refugio County; Robertson County; Sabine County; San Augustine County; San Jacinto County; Shelby County; Trinity County; Tyler County; Victoria County; Walker County; Waller County; Washington County; and Wharton County.

APPENDIX B

Subject: PLEASE DISREGARD IMMIGRATION DETAINER for **[Subject's Name]**

This is an urgent ICE notification regarding an immigration detainer issued to your law enforcement agency for **[Subject's Name]**, **[DOB: XXX]**. The immigration detainer has not been authorized.

You may not rely on the detainer to maintain custody of the individual.

Please disregard the detainer.

APPENDIX C

IT IS THEREFORE REQUESTED THAT YOU:

Serve the individual a copy of this form, and complete and return to ICE the service information at the bottom of this form. If the detainer is not served, the detainer is not valid and may not be relied upon to maintain custody of the individual.

Notify DHS as early as practicable (at least 48 hours, if possible) before the individual is released from your custody. Please notify DHS by calling U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) at _____. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.

Maintain custody of the individual for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. This detainer arises from DHS authorities and should not impact decisions about the individual's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.

Relay this detainer to any other law enforcement agency to which you transfer custody of the individual.

Notify this office in the event of the individual's death, hospitalization or transfer to another institution.

APPENDIX D

FREQUENTLY ASKED QUESTIONS

Q: What is an immigration detainer?

A: An immigration detainer ([Form I-247A, Immigration Detainer – Notice of Action](#)) is a notice that DHS issues to federal, state, and local law enforcement agencies (LEAs) to inform the LEA that ICE intends to assume custody of an individual in the LEA's custody. An immigration detainer issued by ICE serves three key functions: 1) to notify an LEA that ICE intends to assume custody of a noncitizen in the LEA's custody once the noncitizen is no longer subject to the LEA's detention; 2) to request information from an LEA about a noncitizen's impending release so ICE may assume custody in a safe environment before the noncitizen is released from the LEA's custody; and 3) to request that the LEA maintain custody of the noncitizen for a period not to exceed 48 hours beyond when he or she would otherwise have been released to provide ICE time to assume custody. The immigration detainer is only a request and does not impose any obligations on the LEA.

Q: What are ICE's legal authorities to issue a detainer?

A: ICE's authority to issue a detainer flows from federal regulations at 8 C.F.R. § 287.7, which arises from the Secretary's power under section 103(a)(3) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1103(a)(3), to issue "regulations . . . and perform other such acts he deems necessary for carrying out his authority" under the INA, and from ICE's general authority to detain noncitizens who are subject to removal or removal proceedings. *See, e.g.*, INA §§ 235, 236, 241, 8 U.S.C. §§ 1225, 1226, 1231.

Q: Who within ICE issues detainers?

A: Only ICE immigration officers and designated state and local officers authorized to perform certain immigration officer functions pursuant to section 287(g) of the INA, 8 U.S.C. § 1357(g) (“designated 287(g) officers”) may issue immigration detainers. Designated 287(g) officers must first obtain ICE approval before issuing detainers.

Q: What is the standard required to issue a detainer?

A: ICE policy requires a finding of probable cause to believe the subject is a removable noncitizen before a detainer may be issued. Except where the probable cause is based upon a final removal order or the pendency of ongoing removal proceedings against the subject, all probable cause determinations supporting a detainer issued by officers located in the Central District of California, including the Pacific Enforcement Response Center (PERC), are reviewed by a neutral reviewer within 48 hours of issuance, except in the case of an individual detained in state or federal prison with three months or more remaining on their sentence at the time of the interoperability hit, currently known as an IAQ, in which case the review takes place within not more than 14 calendar days of detainer issuance.

Q: Is the detainer required to be served upon the subject?

A: Yes, a detainer only takes effect upon service of a copy of the detainer on the subject of the detainer. The request of ICE that the law enforcement agency maintain custody of the individual is contingent on service of the detainer. If the law enforcement agency does not serve the detainer on the individual, it may not rely upon the detainer to maintain custody of the individual.

Q: What impact does an ICE detainer have on decisions regarding bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, etc.?

A: ICE only intends its detainers to serve the key functions noted above. The detainer should not impact decisions about an individual's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters. By issuing a detainer, ICE does not intend to impact or influence a state or local LEA's decision-making process.

Q: What happens if ICE does not assume custody of the individual after 48 hours?

A: If ICE does not assume custody after 48 hours, the LEA is required to release the individual. The LEA may not lawfully hold an individual beyond the 48-hour period.

Q: What if the subject of the detainer believes that he or she has been held beyond the 48 hours, or has a complaint?

A: If ICE does not take the subject of a detainer into custody during the 48-hour period, they should contact the LEA or entity that is holding them to inquire about their release from custody.

If the individual has a complaint regarding the detainer or violations of civil rights or civil liberties connected to DHS activities, the individual should contact the ICE Joint Intake Center at 1-877-2INTAKE (877-246-8253).

Q: What if the subject of the detainer believes the detainer was issued in error?

A: If the subject of a detainer believes that a detainer was issued in error or contrary to ICE policy, the individual should advise ICE by calling the ICE Law Enforcement Support Center at (855) 448-6903 (toll free) or at [non-toll free number to be acquired].