

b6, b7c

**From:** [REDACTED] b6, b7c  
**Sent:** Wednesday, January 26, 2011 10:28 AM  
**To:** [REDACTED] b6, b7c  
**Subject:** FW: Detainee deaths / Domestic Violence / Detainer policy

**From:** [REDACTED] b6, b7c  
**Sent:** Wednesday, January 26, 2011 10:27 AM  
**To:** [REDACTED] (b)(6), (b)(7)(C)  
**Cc:** [REDACTED] b6, b7c  
**Subject:** Detainee deaths / Domestic Violence / Detainer policy

Sir,  
Please find the answers below. I also have some additional info re: the detainer policy.

#### **What are the detainee deaths from FY08 – 10?**

FY2008	11
FY2009	14
FY2010	8

#### **Regarding Secure Communities, how do we speak to domestic violence concerns? How does ICE ensure victims of crimes, including domestic violence, are not being removed through this process?**

The biometric information sharing capability only identifies those arrested for a crime. Members of the community who have witnessed or have been subject to crimes should continue to report them.

Additionally, DHS offers protection and assistance to victims of trafficking and violence, including individuals who might have been arrested for a crime and subsequently determined to be a victim, not a perpetrator. ICE works closely with law enforcement agencies and prosecutors handling victim related cases and offers protection to victims in those cases. U.S. Citizenship and Immigration Services also offers two types of visas to protect victims of human trafficking and other crimes, such as rape, murder, manslaughter, domestic violence, sexual assault and many more. T nonimmigrant status (T visa) provides immigration protection to victims of trafficking. U nonimmigrant status (U visa) provides immigration protection to crime victims who have suffered substantial mental or physical abuse as a result of the crime.

Through Secure Communities, ICE is focused on removing those aliens who pose a threat to community safety—criminals. Identifying and removing criminal aliens from the United States increases public safety. The National Sheriffs' Association, Major County Sheriffs' Association and the New York Association of Chiefs of Police have all issued formal statements in support of Secure Communities.

#### **Is an ICE detainer a request or a requirement?**

Answer: It is a request. There is no penalty if they don't comply.

We sent in a cleared email to the Hill (12/20/2010 to the House Judiciary Committee) the following:  
An ICE detainer expresses to a LEA that ICE has an interest in an alien being held. The detainer is a **request** that the LEA advise ICE prior to release of the alien in order for ICE to arrange to assume custody. In situations when gaining immediate physical custody is either impracticable or impossible the LEA shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays to allow ICE to assume custody. ICE derives its detainer authority from several federal statutes and regulations as well as ICE's general authority to detain aliens subject to removal. The pertinent regulatory provision mandates that the LEA maintain custody of the alien, per the terms described above.

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