

From: CRCL_DHSOIGHotline
To: (b)(6) CRCL_DHSOIGHotline
Cc:
Subject: RE: CRCL Complaint Number (b)(6)
Date: Tuesday, June 23, 2015 2:45:44 PM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)
Sent: Thursday, June 18, 2015 11:16 AM
To: CRCL_DHSOIGHotline
Cc: (b)(6)
Subject: CRCL Complaint Number (b)(6)

DHS OIG,

Summary of new complaint for your review:

On June 16, 2015, CRCL received an emailed complaint from (b)(6) at the New Orleans Workers' Center for Racial Justice, on behalf of three individuals:

- (1) (b)(6)
- (2) (b)(6)
- (3) (b)(6)

There are Form G-28s submitted for the three complainants. The complaint alleges that on May 29, 2015, around 5am, five construction workers, including the three complainants, were standing near a Motel 6 in Leesville, Louisiana waiting for a work pickup - they were laborers.

A law enforcement vehicle pulled up, two officers emerged, and allegedly asked the 5 people, "show me your papers." Shortly after, 2 more law enforcement cars came and the officers said they were going to take all the workers to have Border Patrol check their legality. The

workers' state that during the interaction they were all threatened with deportation.

All five were arrested, taken to the St. Vernon Sheriff's Office, and no citations or charges were issued. They were detained for an hour until Border Patrol officers arrived, took them into custody, and transported them to the Border Patrol station in Lake Charles. They were processed and all are detained at the South Louisiana Correctional Center.

The complaint alleges Fourth amendment violations of the part of the local police for arresting without probable cause or reasonable suspicion; biased policing on the part of local law enforcement and racial profiling; collusion between Border Patrol and local law enforcement; and that Border Patrol violated the November 20, 2014 ICE Secure Communities Memorandum by seeking to transfer the three complainants when they hadn't been convicted.

The Workers' Center would like to ensure the complainants are protected from removal and retaliation by giving them prosecutorial discretion.

Thank you.

(b)(6)

Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(202)357-(b)(6) (o)

(b)(6)

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.

From: (b)(6)
To: CRCLCompliance
Subject: Civil Rights Complaint of Mr (b)(6)
Date: Tuesday, June 16, 2015 3:00:59 PM
Attachments: G-28s.pdf
2015-6-16 CRCL complaint Leesville workers.pdf

Office for Civil Rights and Civil Liberties,

Please find attached civil rights complaint regarding Border Patrol and local police enforcement on workers in Leesville, Louisiana.

Please let me know if you have any questions. I look forward to your prompt response.

Best,

(b)(6)

Staff Attorney
New Orleans Workers' Center for Racial Justice
National Guestworker Alliance
217 N. Prieur St.
New Orleans, LA 70112
(504) 309-(b)(6) office)
(504) 309-5205 (fax)

(b)(6)

This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system.

NEW ORLEANS WORKERS' CENTER FOR RACIAL JUSTICE

217 N. Prieur St., New Orleans, Louisiana 70112
Phone: (504) 309-5165/ Facsimile (504) 309-5205

June 16, 2015

VIA EMAIL

U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop #0190
Washington, D.C. 20528
CRCLCompliance@hq.dhs.gov

**RE: Civil Rights Complaint Regarding Local Police-Border Patrol Arrest of
Workers in Leesville, Louisiana**

DHS Office for Civil Rights and Civil Liberties:

The New Orleans Workers' Center for Racial Justice ("Workers' Center"), on behalf of

(b)(6)

and (b)(6) requests that your office investigate the following:

- Border Patrol and ICF enforcement actions taken against the workers who are seeking or waiting for work that chill enforcement of labor rights, and detection and defense against labor abuse
- Bias policing and violations of the Fourteenth Amendment by local police in St. Vernon Parish including during the Leesville incident
- The support and assistance of local police by the Border Patrol agents of the Lake Charles Station in bias policing including during the Leesville incident
- Violations of the Fourth Amendment and Supremacy Clause by local police during the arrest of the above referenced workers in Leesville, Louisiana (herein "Leesville incident")
- Violation of November 20, 2014 Secured Communities Memorandum by Border Patrol
- Violation of November 20, 2014 DHS Policies for the Apprehension, Detention and Removal of Undocumented Immigrants Memorandum by Border Patrol and ICE.

In conjunction with this complaint, *we request that DHS CRCL take immediate steps to protect witnesses in this investigation including communicating to ICE New Orleans Field Office that Mr. (b)(6) are witnesses in a DHS CRCL investigation and should be released from detention and not deported pursuant to ICE prosecutorial discretion policy for individuals engaged in civil rights proceedings.*¹

FACT SUMMARY:

On May 29, 2015, at approximately 5:00 AM, five construction workers, including Mr. (b)(6) were standing on the sidewalk outside of the Motel 6 in Leesville, waiting for their transportation to work. Leesville is a small town located in St. Vernon Parish, Louisiana.

Shortly after, a law enforcement patrol car pulled up to the sidewalk where the workers were standing. Two officers got out of their car, approached the workers, and asked the workers to “show me your papers.”

The officers stated that they “were going to check if you’re legal or illegal.” Workers presented their available identity documents including one worker who produced his Congress of Day Laborer membership card. The Congress of Day Laborers is a membership organization of construction workers in Louisiana. In addition to showing membership and a photo, the card includes language asserting the members right to remain silent and right to an attorney.

Shortly after, two more patrol cars arrived. The local police officers then stated that they were going to take all the workers to have Border Patrol check if they were here legally or illegally. During the course of this interaction, officers threatened the workers with deportation.

All five workers were arrested by the local police and transported to the jail at St. Vernon Sheriff’s Office, located in Leesville. Based on information and belief, the officers who made the arrests also belonged to the St. Vernon Sheriff’s Office.

The Sheriff’s Office did not issue a citation or charge the workers with any criminal matter. Rather, the workers were detained for approximately an hour until Border Patrol officers arrived, took them into custody and transported them to the Border Patrol station

¹ See John Morton “Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs” (June 17, 2011)

in Lake Charles, Louisiana for immigration processing. Workers are currently detained at South Louisiana Correctional Center.

ANALYSIS

CRCL should find the following violations during the Leesville incident:

- Border Patrol and ICE enforcement actions taken against workers who are seeking or waiting for work

The actions of the local police and CBP violate the First Amendment. All workers have the right to wait for work in a public space. The First Amendment guarantees freedom of expression and assembly, and clearly protects the right of workers to assemble, associate, and organize with others to advocate for their labor rights. . *Comité de Jornaleros de Redondo Beach v. City of Redondo Beach*, No. 06-55750, slip op. (9th Cir. Sept. 16 2011) (en banc), *cert. denied*, No. 11-760 (February 21, 2012); *Thomas v. Collins*, 323 U.S. 516, 534 (1945); *Howard Gault Co. v. Texas Rural Legal Aid*, 848 F.2d 544, 567 (5th Cir. 1988).² The landmark Supreme Court decision *Hague v. Committee for Indus. Organization* affirmed the importance of public forums for labor related speech. 307 U.S. 496, 511 (1939) (asserting that all persons clearly have “the right peaceably to assemble and to discuss these topics, and to communicate respecting them, whether orally or in writing.”)

Enforcement actions should not be taken against workers standing in public places that seek or wait for work. Not only does such action infringe on individual civil liberties, such action also chills the worker’s enforcement of their labor rights and ability to defend against labor abuse. Here, Border Patrol did precisely that, targeting workers who stood on the sidewalk, waiting for their transportation to work. Moreover, ICE continued to targets these workers for enforcement and deportation.

- Violations of the Fourth Amendment and Supremacy Clause by Sheriff’s Officers and Border Patrol

The Sheriff officers had no probable cause or reasonable suspicion to arrest the workers. It’s clear that the Sheriff’s officers arrested the workers solely to enforce civil immigration law. The workers were lawfully standing on the sidewalk when police stopped. The police made it clear that they were being arrested in order investigate their immigration status and once at the jail, the workers were not even processed for criminal

² See generally, Joseph G. Rayback, A HISTORY OF AMERICAN LABOR, 244 (1966).

matters but told to wait for Border Patrol. Local police arrests based on immigration status is in direct contravention with the Fourth Amendment and the Supremacy Clause. See *Arizona v. United States*, 132 S. Ct. 2492, 2505 (2012) (local police do not have general power to arrest residents for violating federal immigration laws); *Santos v. Frederick County Bd. of Com'rs*, 725F.3d 451 (4th Cir. 2013) (violation of Fourth Amendment to stop, question and arrest resident for immigration violation).

By answering the local police's request to pick-up the workers and asking the jail to hold the workers exclusively for Border Patrol, Border Patrol participated and furthered the constitutional violations.

- Bias policing and Violation of the Fourteenth Amendment by Sheriff's Office

The Sheriff officers stopped and detained the Leesville workers, all of whom were Latino, based on racial profiling and their perceived immigration status. Enforcement based on racial profiling infringes on the Equal Protection Clause of the Fourteenth Amendment protection See *United States v. Avery*, 137 F.3d 343, 355 (6th Cir. 1997) ("If law enforcement adopts a policy, employs a practice, or in a given situation takes steps to initiate an investigation of a citizen based solely upon that citizen's race, without more, then a violation of the Equal Protection Clause has occurred.")

Moreover, not only did the Sheriff officers violate the constitutional rights of the workers, their practices contravene police best practices and DHS should not participate or assist such offices. See "Police Chiefs from Nation's Major Cities Object to Legislative Proposals Requiring Local Police to Enforce Federal Immigration Law," June 2013, available at <https://www.majorcitieschiefs.com>; "Major Cities Police Chiefs Association: Immigration Position," October 2011, available at <https://www.majorcitieschiefs.com>.

- The support and assistance of local police by Border Patrol agents of the Lake Charles Station in bias policing including during the Leesville incident.

By seeking the transfer and hold of these workers, Border Patrol supported and assisted local police officers in perpetuating racial profiling and unconstitutional policing. CRCL must investigate the extent of Border Patrol collusion and support of local police offices that engage in these unlawful and disturbing practices, starting with an investigation of the Lake Charles Border Patrol Station.

- Border Patrol violated the November 20, 2014 Secured Communities Memorandum.

First, Border Patrol has no business being in local jails, asking jails to verbally hold individuals for them, or submitting to local jail requests to pick-up an individual. The November 20, 2014 Secured Communities Memorandum sets out the scenarios in which a notification request could be issued to the local police or jail, which is exclusively the responsibility and purview of ICE.

What's more, Border Patrol violated the Secured Communities Memorandum by seeking the transfer of Mr. (b)(6). Under the memorandum, ICE "should only seek the transfer of an alien in the custody of state or local law enforcement through the new program when the alien has been convicted of an offense listed in Priority 1(a), (c), (d), and (e) and Priority 2(a) and (b) of the November 20, 2014 Policies for the Apprehension, Detention and Removal of Undocumented Immigrants Memorandum." *None of the three detainees fall into these priority categories.* Mr. (b)(6) does not fit into any priority category and Mr. (b)(6) could only arguable fit into Priority 2(c).

- Border Patrol violated the November 20, 2014 DHS Policies for the Apprehension, Detention and Removal of Undocumented Immigrants Memorandum (herein "Priorities Memorandum") for detaining Mr. Lara-Reina, and ICE continues to violate the Priorities Memorandum by moving forward with his deportation.

Mr. (b)(6) does not fit into any priority category but still face imminent deportation from the U.S. Mr. (b)(6) has no criminal conviction and was present in the U.S. prior to January 1, 2014. Border Patrol's arrest of Mr. (b)(6) is in violation of the Priorities Memorandum. Moreover, ICE's continued detention and pursuit of his deportation is in violation of the Priorities Memorandum.

REQUEST FOR IMMEDIATE ASSURANCES OF PROTECTION AND INVESTIGATION

Given the substantial and serious constitutional issues raised by ICE's conduct, we respectfully request that the DHS Office for Civil Rights and Civil Liberties take the following actions immediately:

- (1) Ensure that victim-witnesses of this complaint are protected from removal or retaliation per ICE policy³
- (2) Investigate the above violations of Constitutional, statutory, and regulatory law
- (3) Prohibit CBP and ICE from supporting and assisting law enforcement agencies that engage in bias policing and unconstitutional practices.

It's crucial to note that DIIS CRCL has a crucial role to play in this investigation. Director Johnson specifically mandated DHS CRCL to monitor activities at the state and local level particularly to detect support or engagement in biased policing, "and will establish effective remedial measures to stop any such misuses...and implement a plan to monitor state and local enforcement agencies participating in such transfers."⁴

We appreciate your immediate and ongoing attention to this urgent matter and remain committed to a productive cooperation with your office. Please do not hesitate to contact us to further discuss these important matters (b)(6) / 504-376-(b)(6)

(b)(6)

Attorneys for Complainants
New Orleans Workers' Center for Racial Justice

* Admitted only in California and the District of Columbia

³ See John Morton, "Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs" (June 17, 2011)

⁴ See Dir. Jeh Johnson, "Secure Communities" (November 20, 2014).



Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 03/31/2018

Part 1. Information About Attorney or Accredited Representative

1. USCIS ELIS Account Number (if any)

(b)(6)

Name and Address of Attorney or Accredited Representative

2.a. Family Name (Last Name) (b)(6)

2.b. Given Name (First Name) (b)(6)

2.c. Middle Name

3.a. Street Number and Name (b)(6)

3.b. Apt. Ste. Flr.

3.c. City or Town New Orleans

3.d. State LA 3.e. ZIP Code 70112

3.f. Province

3.g. Postal Code

3.h. Country USA

4. Daytime Telephone Number 50430 (b)(6)

5. Fax Number 5043095235

6. E-Mail Address (if any) (b)(6)

7. Mobile Telephone Number (if any)

Part 2. Notice of Appearance as Attorney or Accredited Representative

This appearance relates to immigration matters before
(Select only one box):

1.a. USCIS

1.b. List the form numbers

2.a. ICE

2.b. List the specific matter in which appearance is entered
DHS CRCI complaint

3.a. CBP

3.b. List the specific matter in which appearance is entered

I enter my appearance as attorney or accredited representative at the request of:

4. Select only one box:

Applicant Petitioner Requestor

Respondent (ICE, CBP)

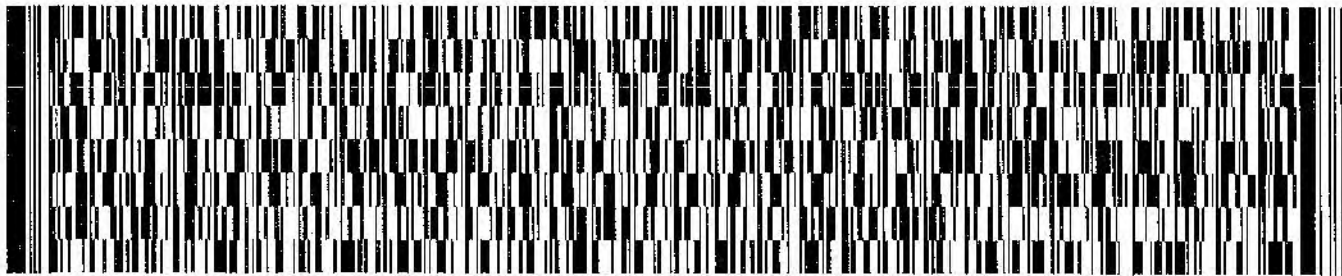
Information About Applicant, Petitioner, Requestor, or Respondent

5.a. Family Name (Last Name) (b)(6)

5.b. Given Name (First Name) (b)(6)

5.c. Middle Name

6. Name of Company or Organization (if applicable)



Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

- 7. USCIS ELIS Account Number (if any)
▶
- 8. Alien Registration Number (A-Number) or Receipt Number
- 9. Daytime Telephone Number
- 10. Mobile Telephone Number (if any)
- 11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

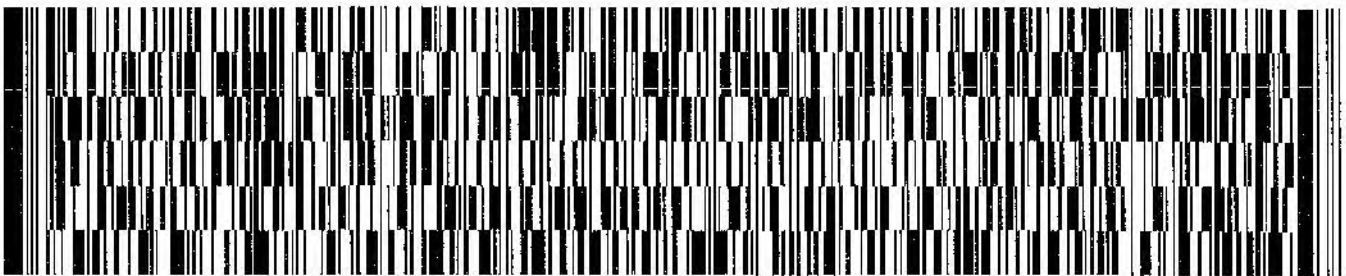
NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. If the applicant, petitioner, requestor, or respondent has used a safe mailing address on the application, petition, or request being filed with this Form G-28, provide it in these spaces.

- 12.a. Street Number and Name
- 12.b. Apt. Ste. Flr.
- 12.c. City or Town
- 12.d. State 12.e. ZIP Code
- 12.f. Province
- 12.g. Postal Code
- 12.h. Country

Part 3. Eligibility Information for Attorney or Accredited Representative

Select all applicable items.

- 1.a. I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. (If you need additional space, use Part 6.)
Licensing Authority
- 1.b. Bar Number (if applicable)
- 1.c. Name of Law Firm
- 1.d. I (choose one) am not am subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)
- 2.a. I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.
- 2.b. Name of Recognized Organization
- 2.c. Date accreditation expires (mm/dd/yyyy) ▶



Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

3. I am associated with
the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request.

NOTE: If you select this item, also complete Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3. (whichever is appropriate).

4.a. I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).

4.b. Name of Law Student or Law Graduate

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

1. I have requested the representation of and consented to being represented by the attorney or accredited representative named in Part 1. of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you unless you select Item Number 2.a. in Part 4. All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) unless you ask us to send those documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select all applicable boxes below:

2.a. I request DHS send any notice (including Form I-94) on an application, petition, or request to the business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.

2.b. I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the business address of my attorney of record or accredited representative as listed in this form. I consent to having my secure identity document sent to my attorney of record or accredited representative and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

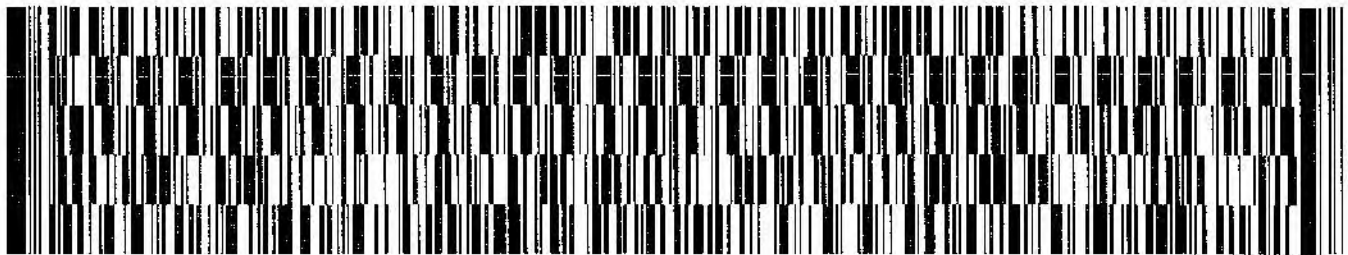
3.b. Date of Signature (mm/dd/yyyy) ▶

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. S tive
2. S

3. Date of Signature (mm/dd/yyyy) ▶ 06-16-2015





Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 03/31/2018

Part 1. Information About Attorney or Accredited Representative

1. USCIS ELIS Account Number (if any)

▶ (b)(6)

Name and Address of Attorney or Accredited Representative

2.a. Family Name (Last Name) (b)(6)

2.b. Given Name (First Name) (b)(6)

2.c. Middle Name

3.a. Street Number and Name (b)(6)

3.b. Apt. Ste. Flr.

3.c. City or Town New Orleans

3.d. State LA 3.e. ZIP Code 70112

3.f. Province

3.g. Postal Code

3.h. Country USA

4. Daytime Telephone Number 50430 (b)(6)

5. Fax Number 5043095205

6. E-Mail Address (if any) (b)(6)

7. Mobile Telephone Number (if any)

Part 2. Notice of Appearance as Attorney or Accredited Representative

This appearance relates to immigration matters before
(Select only one box):

1.a. USCIS

1.b. List the form numbers

2.a. ICE

2.b. List the specific matter in which appearance is entered
DHS CRCL complaint

3.a. CBP

3.b. List the specific matter in which appearance is entered

I enter my appearance as attorney or accredited representative at the request of:

4. Select only one box:

Applicant Petitioner Requestor

Respondent (ICE, CBP)

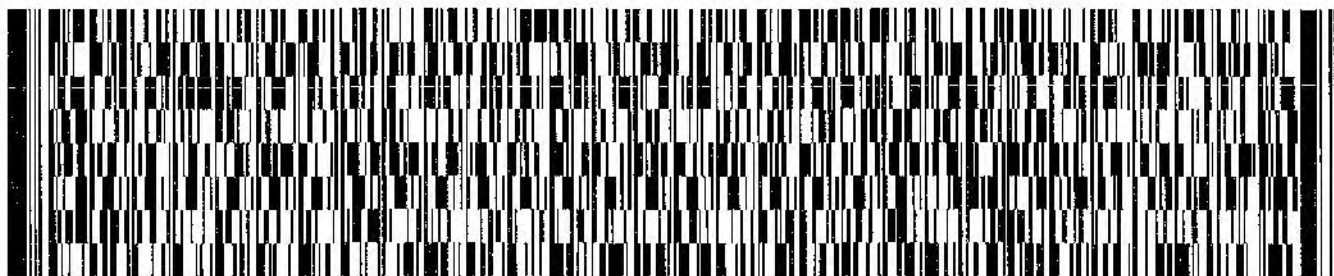
Information About Applicant, Petitioner, Requestor, or Respondent

5.a. Family Name (Last Name) (b)(6)

5.b. Given Name (First Name) (b)(6)

5.c. Middle Name

6. Name of Company or Organization (if applicable)



Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

- 7. USCIS ELIS Account Number (if any)
▶
- 8. Alien Registration Number (A-Number) or Receipt Number
(b)(6)
- 9. Daytime Telephone Number
- 10. Mobile Telephone Number (if any)
- 11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

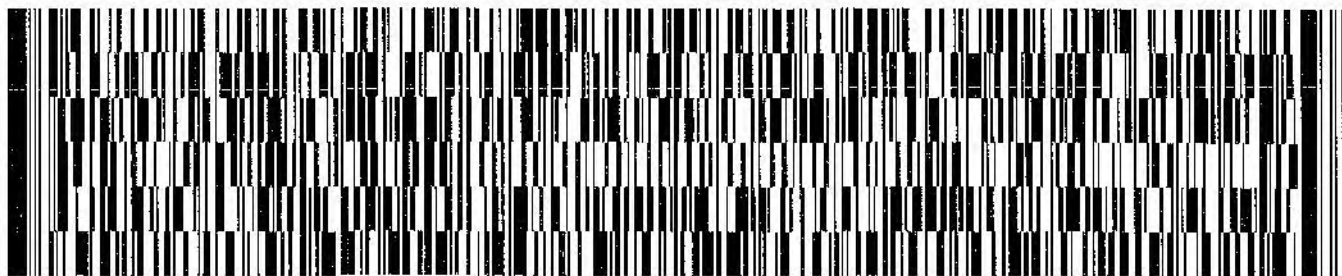
NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. If the applicant, petitioner, requestor, or respondent has used a safe mailing address on the application, petition, or request being filed with this Form G-28, provide it in these spaces.

- 12.a. Street Number and Name (b)(6)
- 12.b. Apt. Ste. Flr.
- 12.c. City or Town
- 12.d. State 12.e. ZIP Code
- 12.f. Province
- 12.g. Postal Code
- 12.h. Country

Part 3. Eligibility Information for Attorney or Accredited Representative

Select all applicable items.

- 1.a. I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. (If you need additional space, use Part 6.)
Licensing Authority
- 1.b. Bar Number (if applicable)
(b)(6)
- 1.c. Name of Law Firm
- 1.d. I (choose one) am not am subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)
- 2.a. I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.
- 2.b. Name of Recognized Organization
- 2.c. Date accreditation expires (mm/dd/yyyy) ▶



Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

3. I am associated with _____
the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request.

NOTE: If you select this item, also complete Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3. (whichever is appropriate).

4.a. I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).

4.b. Name of Law Student or Law Graduate

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

1. I have requested the representation of and consented to being represented by the attorney or accredited representative named in Part 1. of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you unless you select Item Number 2.a. in Part 4. All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) unless you ask us to send those documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select all applicable boxes below:

2.a. I request DHS send any notice (including Form I-94) on an application, petition, or request to the business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.

2.b. I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the business address of my attorney of record or accredited representative as listed in this form. I consent to having my secure identity document sent to my attorney of record or accredited representative and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

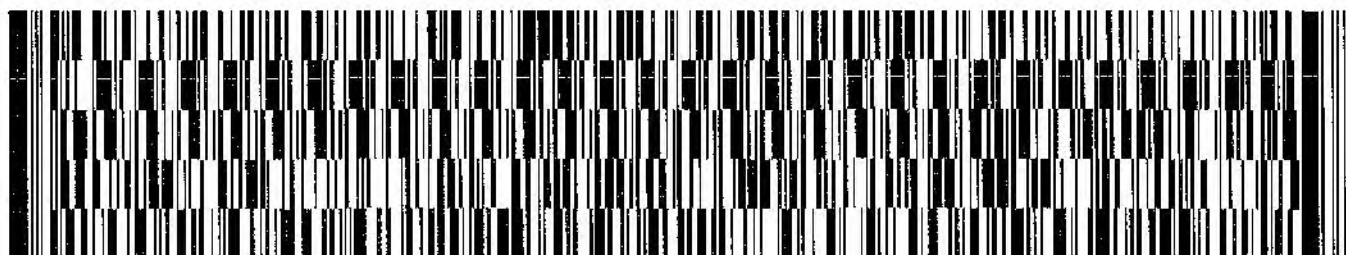
3.b. Date of Signature (mm/dd/yyyy) ▶ _____

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and

1. 
2. _____

3. Date of Signature (mm/dd/yyyy) ▶ 06-16-2015





Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0-05
Expires 03/31/2018

Part 1. Information About Attorney or Accredited Representative

1. USCIS ELIS Account Number (if any)
▶ (b)(6)

Name and Address of Attorney or Accredited Representative

2.a. Family Name (Last Name) (b)(6)

2.b. Given Name (First Name) (b)(6)

2.c. Middle Name

3.a. Street Number and Name (b)(6)

3.b. Apt. Ste. Fir.

3.c. City or Town New Orleans

3.d. State LA 3.e. ZIP Code 70112

3.f. Province

3.g. Postal Code

3.h. Country USA

4. Daytime Telephone Number 50430 (b)(6)

5. Fax Number 5043095205

6. E-Mail Address (if any) (b)(6)

7. Mobile Telephone Number (if any)

Part 2. Notice of Appearance as Attorney or Accredited Representative

This appearance relates to immigration matters before
(Select only one box):

1.a. USCIS

1.b. List the form numbers

2.a. ICE

2.b. List the specific matter in which appearance is entered
DHS CRCL complaint

3.a. CBP

3.b. List the specific matter in which appearance is entered

I enter my appearance as attorney or accredited representative at the request of:

4. Select only one box:

Applicant Petitioner Requestor

Respondent (ICE, CBP)

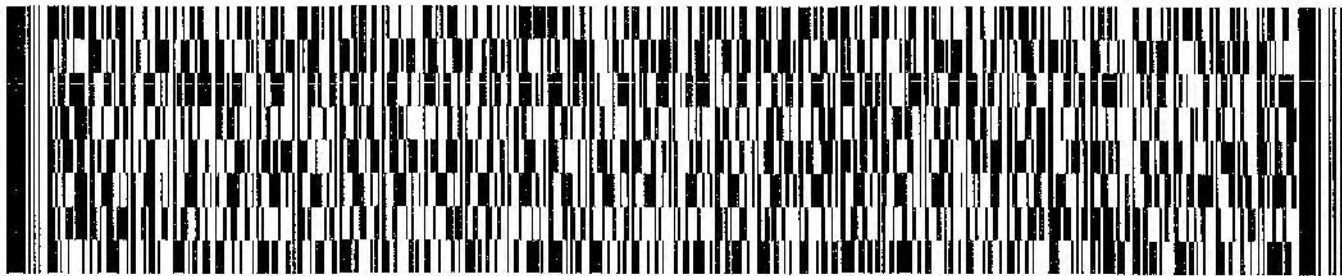
Information About Applicant, Petitioner, Requestor, or Respondent

5.a. Family Name (Last Name) (b)(6)

5.b. Given Name (First Name) (b)(6)

5.c. Middle Name

6. Name of Company or Organization (if applicable)



Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

- 7. USCIS ELIS Account Number (if any)
▶
- 8. Alien Registration Number (A-Number) or Receipt Number
- 9. Daytime Telephone Number
- 10. Mobile Telephone Number (if any)
- 11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

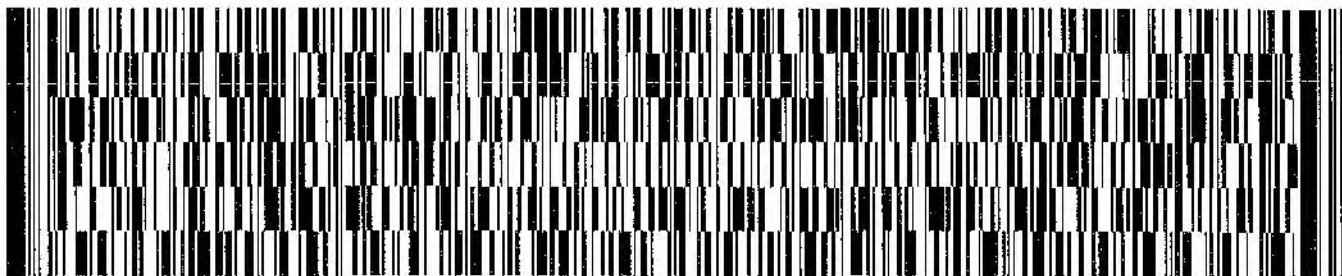
NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. If the applicant, petitioner, requestor, or respondent has used a safe mailing address on the application, petition, or request being filed with this Form G-28, provide it in these spaces.

- 12.a. Street Number and Name
- 12.b. Apt. Ste. Flr.
- 12.c. City or Town
- 12.d. State 12.e. ZIP Code
- 12.f. Province
- 12.g. Postal Code
- 12.h. Country

Part 3. Eligibility Information for Attorney or Accredited Representative

Select all applicable items.

- 1.a. I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. (If you need additional space, use Part 6.)
Licensing Authority
- 1.b. Bar Number (if applicable)
- 1.c. Name of Law Firm
- 1.d. I (choose one) am not am subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)
- 2.a. I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.
- 2.b. Name of Recognized Organization
- 2.c. Date accreditation expires (mm/dd/yyyy) ▶



Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

3. I am associated with _____
the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request.

NOTE: If you select this item, also complete Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3. (whichever is appropriate).

4.a. I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).

4.b. Name of Law Student or Law Graduate

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

1. I have requested the representation of and consented to being represented by the attorney or accredited representative named in Part 1. of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you unless you select Item Number 2.a. in Part 4. All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) unless you ask us to send those documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select all applicable boxes below:

2.a. I request DHS send any notice (including Form I-94) on an application, petition, or request to the business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.

2.b. I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the business address of my attorney of record or accredited representative as listed in this form. I consent to having my secure identity document sent to my attorney of record or accredited representative and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

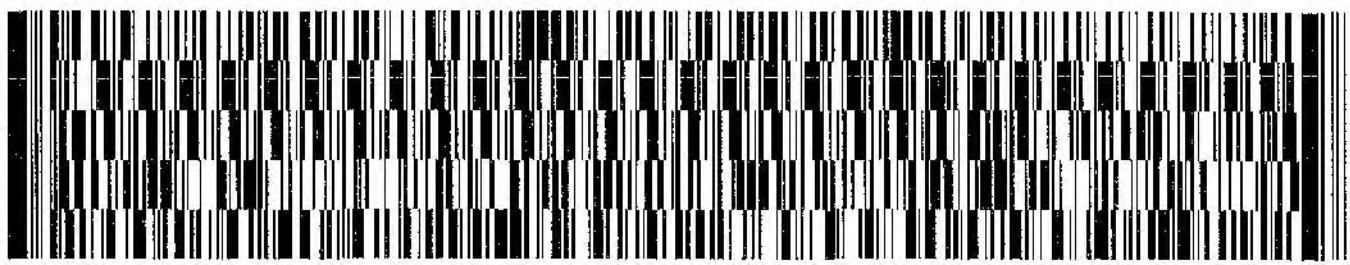
3.b. Date of Signature (mm/dd/yyyy) ▶ _____

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. (b)(6)
2. _____

3. Date of Signature (mm/dd/yyyy) ▶ 6-16-2015





Homeland
Security

DATE: [DRAFT 12/23/2014]

MEMORANDUM FOR: All ICE and CRCL Personnel

Megan H. Mack
Officer for Civil Rights and Civil Liberties
Department of Homeland Security

Tom Homan
Executive Associate Director
U.S. Immigration and Customs Enforcement

SUBJECT: Protocol for Priority Enforcement Program Complaints and
Concerns Involving State or Local Law Enforcement Agencies

(b)(5)

Page 2 of 4

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 3 of 4

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

(b)(5)



DRAFT

From:	(b)(6)
To:	(b)(6)
CC:	(b)(6)
Subject:	CRCL - PEP monitoring
Date:	2014/12/15 13:24:00
Priority:	Normal
Type:	Note

(b)(6)

CRCL is finishing up a paper on our implementation of the PEP oversight directive in the 11/20/2014 S1 "Secure Communities" memo. We're conferring with ICE about it now to make sure there are no showstoppers – we had a good conversation with them late last week. I'm attaching a draft for your reference.

It's obviously too late to clear an info memo to S2 by tomorrow 10 am; could you let us know how you were hoping to have this information presented? We can of course reformat this as an S2 memo, or simply have copies of this sort of thing on hand, or we can do a strictly oral presentation.

Thanks very much,

(b)(6)

Senior Advisor & Acting Team Lead, Immigration Section
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(202) 357- (b)(6) (o)

(202) 604- (b)(6) (c)

(b)(6)

Sender:	(b)(6)
Recipient:	(b)(6)
Sent Date:	2014/12/15 13:24:05
Delivered Date:	2014/12/15 13:24:00

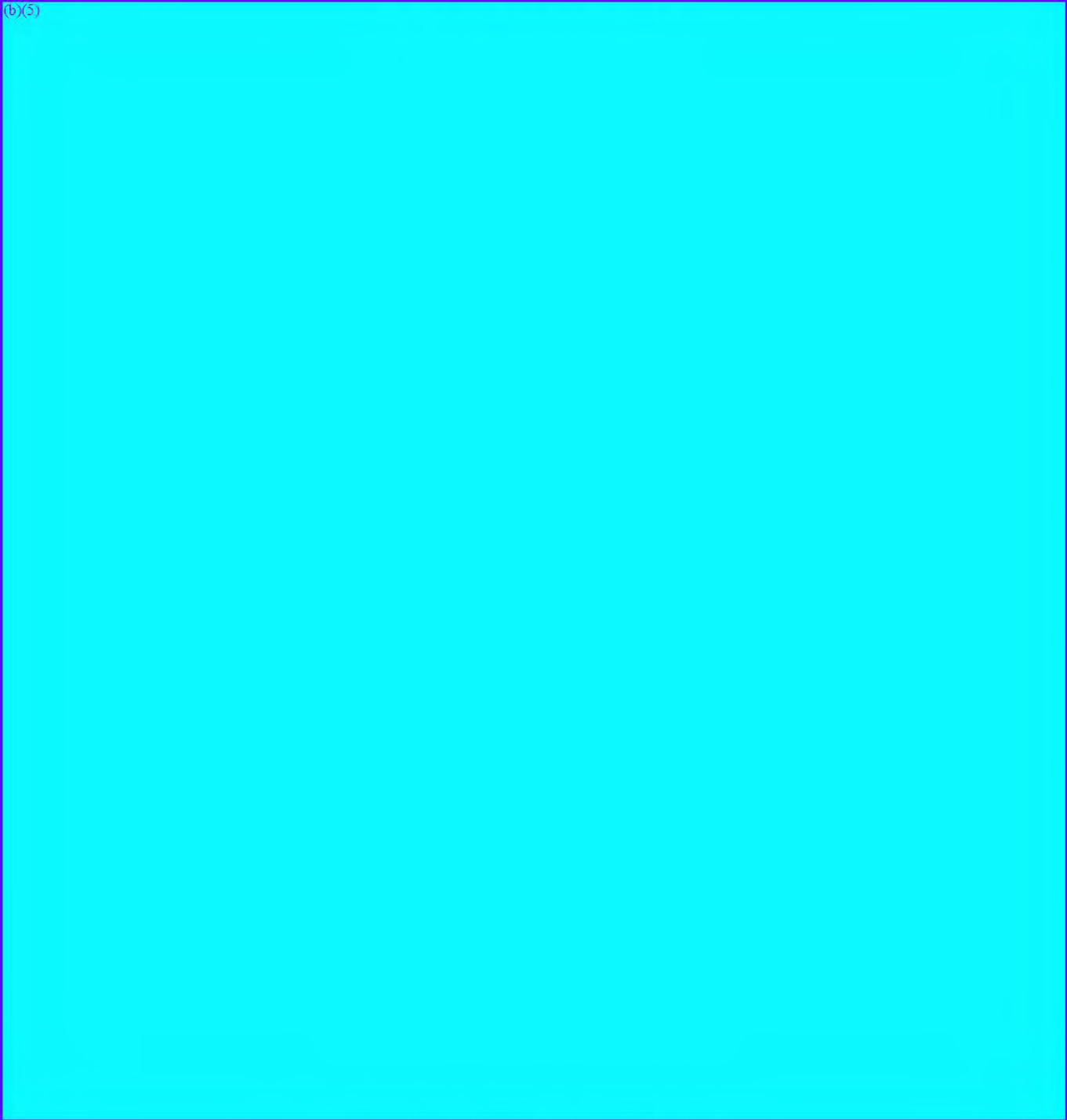


**Homeland
Security**

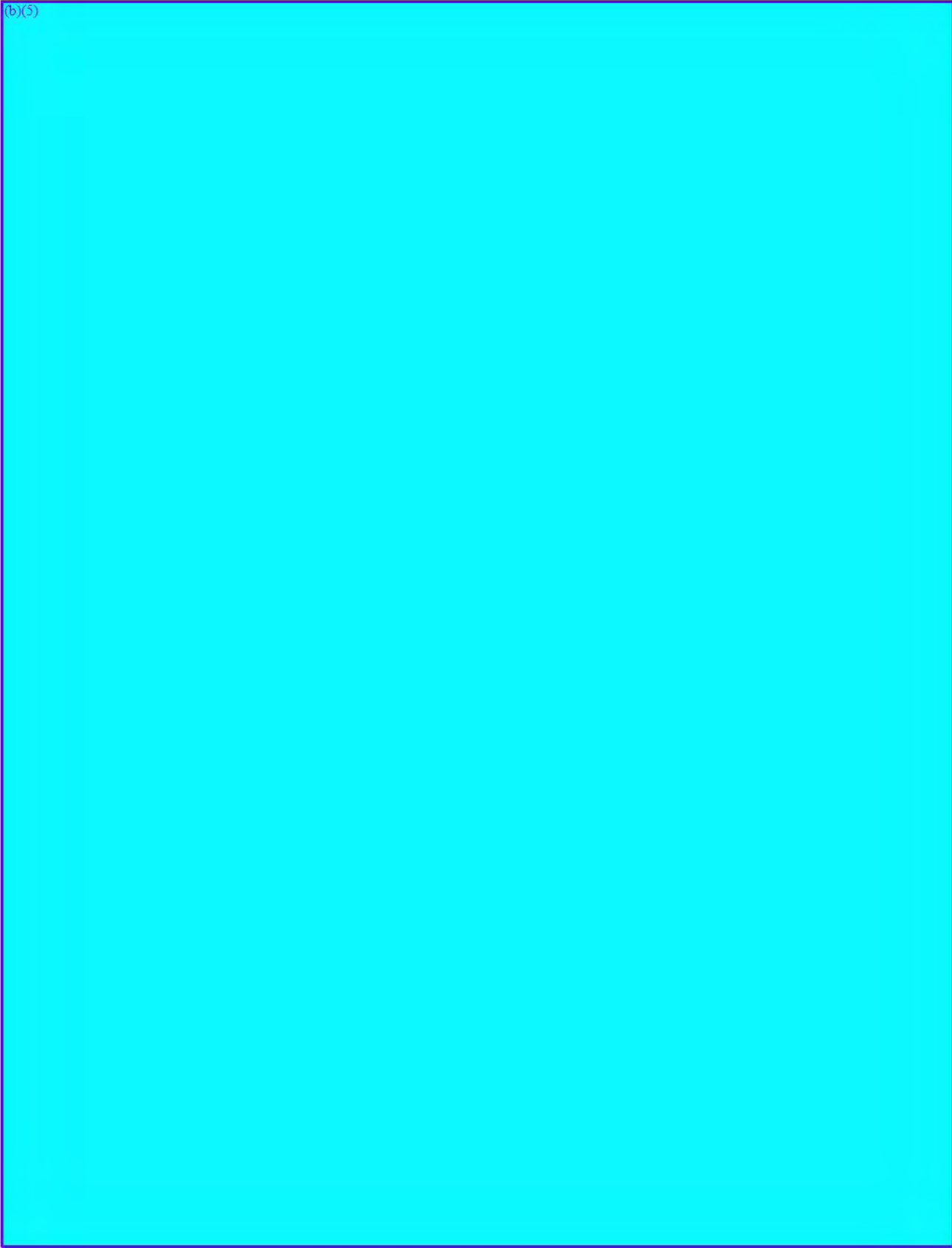
DHS Oversight of ICE's Priority Enforcement Program (PEP)

CRCL Implementation Plan

(b)(5)



(b)(5)



CRCL TPs in response to NGO questions on PEP oversight

(b)(5)



(b)(5)



From:	(b)(6)
To:	(b)(6)
CC:	(b)(6)
Subject:	DRAFT S1 Letter to Jurisdictions on PEP
Date:	2015/03/27 10:32:05
Type:	Note

CRCL has reviewed OSLE's edits to the paragraph on monitoring and had made some further adjustments. Please see the attached and let us know if we're in a good place.

(b)(6)

Senior Advisor & Acting Section Lead, Immigration Section
Office for Civil Rights & Civil Liberties
Department of Homeland Security
202-357-(b)(6) (o)
202-604-(b)(6) (c)

(b)(6)

Sender:	(b)(6)
Recipient:	(b)(6)
Sent Date:	2015/03/27 10:32:05

(b)(5)

DRAFT S1 Letter to Jurisdictions on PEP

Date

Inside Address

(b)(5)

Page 3 of 5

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 4 of 5

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 5 of 5

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

From:	(b)(6)
To:	(b)(6)
Subject:	EIA update
Date:	2014/12/29 14:16:00
Priority:	Normal
Type:	Note

CRCL EIA Task Force,

I apologize that some unexpected family-related sick leave has kept me from updating you lately on what we've learned about EIA and our CRCL path forward. I hope this email helps. Several items:

- 1) Distribution list – please confirm everyone from your section/branch who should be on this list, is.
- 2) In the new year I will look for a time to schedule a recurring, I think biweekly, meeting for this group.
- 3) (b)(6) and/or I continue to attend biweekly calls with Senior Counselor to S1 (b)(6) and weekly-ish meetings with S2, but for the time being a great deal of what's being done is held up inside the components or with high-level OGC. I will continue to send updates when something relevant comes up.
- 4) Update on litigation: (b)(5)
(b)(5)

(b)(5)

- 5) Update on timing: We learned last week that the rollout of the Priority Enforcement Program (PEP) is being delayed. All that will roll out on January 5 is the new set of enforcement priorities. The rest of January will be occupied by a “tiger team” working to create operating procedures for the enforcement priorities, to be common between CBP and ICE. (We are supposed to get to join the team but I don’t have any details yet). The PEP rollout will be in early February, and the DAPA rollout in late February.
- 6) Update on PEP: We had a call last week with ICE and S1 Senior Counselor (b)(6) about updating CRCL’s statistical monitoring and other oversight of PEP. We got ICE an updated draft for how complaints will be handled, etc. (b)(5) (b)(5), and are waiting to hear back. We still don’t have the PEP SOP to study, so statistical monitoring remains in the blue-sky phase. But ICE appreciates the role we’ve been assigned and is, I think, amenable to working our data collection needs into updates to the system.
- 7) No updates on other spinout/working groups.
- 8) I’m re-upping (b)(6) document of ideas for other forms of involvement. **Please get me comments on it by COB Tuesday 1/7** so we can make sure to pursue.

Thanks – I will send an update tomorrow if anything of interest comes up on today’s biweekly call.

(b)(6)

Senior Advisor & Acting Team Lead, Immigration Section
Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357-(b)(6) (o)
(202) 604-(b)(6) (c)

(b)(6)

Sender:	(b)(6)
Recipient:	(b)(6)

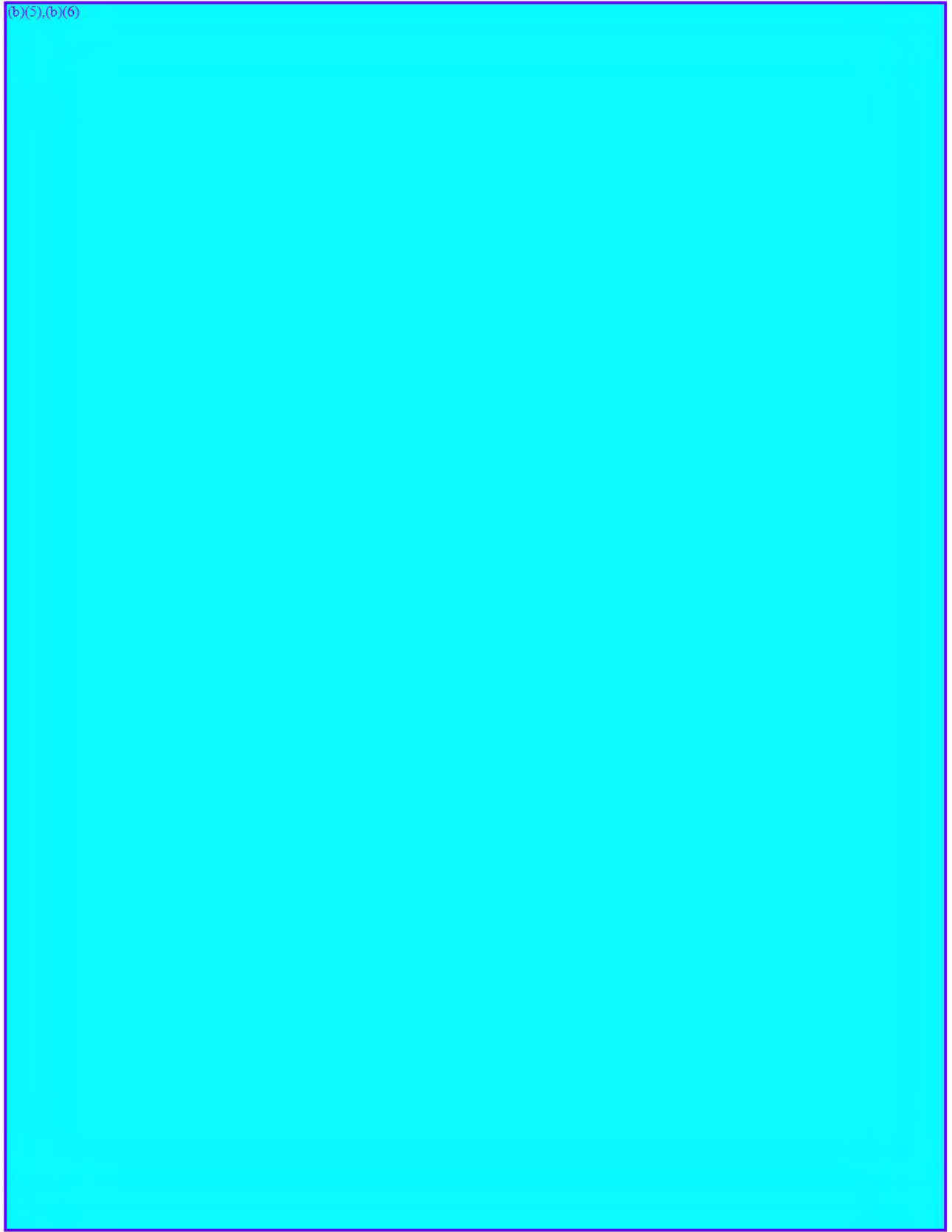
	(b)(6)
Sent Date:	2014/12/29 14:16:40
Delivered Date:	2014/12/29 14:16:00

From:	(b)(6)
To:	(b)(6)
Subject:	EIR updates for the week
Date:	2015/01/08 23:50:18
Priority:	Normal
Type:	Note

DELIBERATIVE

(b)(5)

(b)(5),(b)(6)



(b)(6)

Senior Advisor & Acting Team Lead, Immigration Section
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(202) 357 (b)(6) (o)

(202) 604 (b)(6) (c)

(b)(6)

Sender	(b)(6)
Recipient	(b)(6)
	"Mack Megan" (b)(6)
	(b)(6)
Sent Date:	2015/01/08 23:50:18

From:	(b)(6)
Sent Via:	
To:	
Subject:	Enforcement Priorities Implementation Working Group
Date:	2015/01/23 12:09:56
Start Date:	2015/01/23 13:30:00
End Date:	2015/01/23 14:30:00
Priority:	Normal
Type:	Schedule.Meeting.Request
Location:	Call-In (b)(7)(E)
Attendees:	(b)(6)

All,

We have some favorable developments from the department which will support a document that better serves our components.

(b)(5)

(b)(5)

(b)(6)

Call-in Number

(b)(7)(E)

Passcode

<<DRAFT - EA SOP 01 23 2015 Clean Copy.doc>>

Sender:	(b)(6)
Recipient:	(b)(6)

(b)(6)

Sent Date: 2015/01/23 12:09:46

Delivered Date: 2015/01/23 12:09:56

Department of Homeland Security
DHS Directives System
Instruction Number: 044-01-001
Revision Number: 00
Issue Date:

Implementing the Executive Immigration Reforms of November 20, 2014

(b)(5)



Page 05 of 13

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 06 of 13

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 07 of 13

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 08 of 13

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 09 of 13

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 10 of 13

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 11 of 13

Withheld pursuant to exemption

(b)(5)

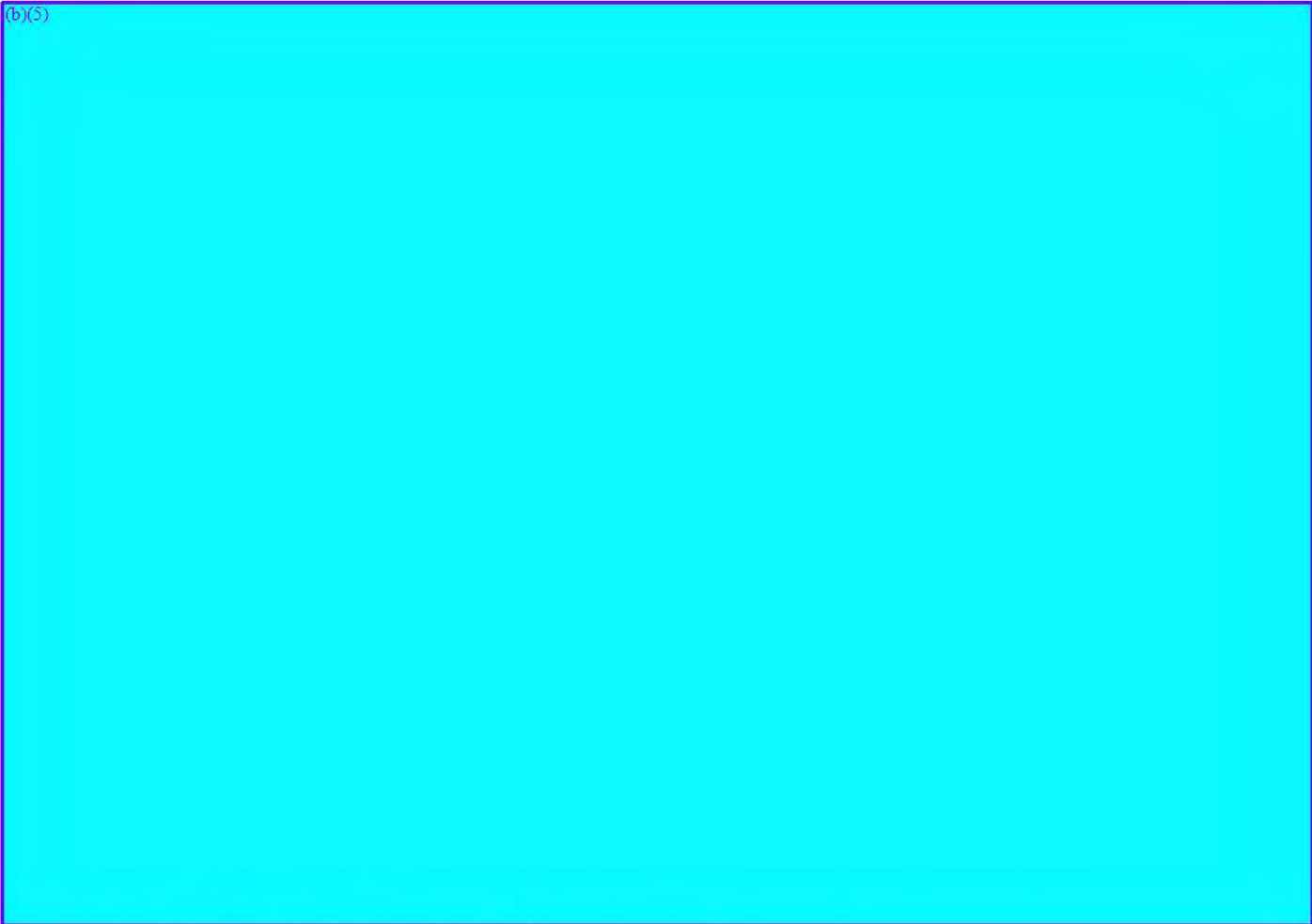
of the Freedom of Information and Privacy Act

Page 12 of 13

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act



N. Questions

Address any questions or concerns regarding this instruction to your respective DHS Component chain of command.

Date

Department of Homeland Security
DHS Directives System
Instruction Number: 044-01-001
Revision Number: 00
Issue Date:

Implementing Department of Homeland Security Immigration Enforcement Priorities

(b)(5)



LAW ENFORCEMENT SENSITIVE – FOR OFFICIAL USE ONLY

Instruction # 044-01-001

Revision # 00

Page 02 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 03 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 04 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 05 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 06 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 07 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 08 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 09 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 10 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 11 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 12 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 13 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 14 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 15 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 16 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 17 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 18 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 19 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 20 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 21 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 22 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 23 of 23

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act



Executive Immigration Reform Implementation Oversight Meeting Agenda

Meeting 2: 12/10/14, 2-3PM

Purpose: Provide DHS senior leadership with progress reports on implementation of Executive Immigration Reform actions. This meeting will:

- Provide regular updates from Component or HQ Staff leadership;
- Identify issues of concern requiring leadership decisions; and
- Flag lines of effort or directed actions requiring reallocation of time, energy, or resources to ensure timely completion of tasks.

Agenda

- I. Standing Agenda Items
 - a. DACA and DAPA (USCIS)
 - b. Training (ICE, USCIS, CBP)
 - c. Hiring/Personnel Issues (USCIS)
- II. Milestones within 30 days
 - a. Personnel Reform for ICE Officers (ICE, CHCO, CFO)
 - i. Review and classify ICE ERO Officer Job Series
 - ii. Update job classification structure
 - iii. Review premium pay coverage; evaluate reform alternatives
 - b. Border Security Metrics (DHS HQ)
 - c. Civil Enforcement Priorities and Priority Enforcement Program (ICE/CBP/OGC)
- III. Component Updates/Issues/Red Flags (Component Leadership and Principal Staff reps)

Way Ahead (Pay Reform/Enforcement Priorities/Prosecutorial Discretion/Priority Enforcement Program)

1. ICE: Decision meetings with S2 in support of ICE Personnel Reform, Enforcement Priorities Decisions
 - a. Mon, 12/8, 2:15-3:00pm: ERO/Border Patrol pay reform & AUO alternatives (Internal)
 - b. Tues, 12/9, 4pm: ICE meeting on Deferred Action and Prosecutorial Discretion Policy decision on non-priority detained cases
 - i. BRT discuss training plan for Enforcement Priorities/PD/PEP
 - c. Mon/Tues (Week of Dec 15): ICE & CBP senior leadership and Unions
2. Milestones:
 - a. Dec 11: SLLE hosting PEP Policy Development working group (ICE/SLLE/IGA/DHS HQ)
 - b. Dec 12: ICE ERO Staffing Model concept for PEP
 - c. Dec 16: ICE products on Enforcement Priorities/PD –
 - i. Officer Reference Card on EP
 - ii. FAQs list of offenses: materials under development. ICE will share materials with CBP where appropriate
 - iii. Training Materials
 - d. Dec 16: OGC and ICE ERO will:
 - i. Complete Forms Development
 1. I-247D, Request for Detainer
 2. I-247N, Request for Notification
 - ii. Produce PEP Policy CONOPs
 - e. Dec 17: Implementation Oversight Meeting Review of Products
 - i. OGC/ICE: PEP CONOPs
 - ii. ICE Training Materials (Cards/FAQs/Scenarios)– EP/PD/PEP
 - iii. CBP Training Materials (Cards/FAQs/Scenarios)—EP/PD
 - f. Dec 18-Jan 4: Train Supervisors and Workforce
 - i. ICE: 6,000 (Broken down by Supervisors and employees)
 - ii. CBP: 21,600
 - g. ***Jan 5, 2014: EP/PD/PEP In Effect***

Way Ahead (Southern Border Strategy and Campaign Plan)

1. Key Milestones:

- a. Dec 8-12: Commence staff coordination of campaign plan metrics
- b. Dec 12: Read Ahead to S1
- c. Dec 17: Metric Decision Briefing to S1
- d. Dec 17: Sign Strategy and Campaign Plan
- e. Dec 18: Milestone Date: Field Border Security Metrics**
- f. Jan 14: In-Progress Review with Task Force Directors (*90-day Assessment*)
 - i. TF Director Progress Briefings to S1
 - ii. S1 provides guidance on expectations for IOC validation

g. (b)(7)(E)



- h. Feb 20: Milestone Date for IOC**
- i. Intermediate Considerations prior to FOC
 - i. External Joint Evaluation
 - ii. (b)(7)(E)
 - iii. FOC Validation
- j. NLT July 30: Milestone Date for FOC**

Tasks from Dec 3 Meeting:

- ICE: Develop list of offenses corresponding to enforcement priorities (see c above)
 - Short term – by COB December 16 (for inclusion in Dec 17th EIR Review Agenda)
 - OGC: Develop DHS encyclopedia of offenses incorporating state law -- Long term
- CBP/ICE: Provide training timeline for workforce on removal priorities and PEP (see f above)
- OGC/ICE: Complete forms development (see d above)
 - Request for Notification
 - Request for Detainer
- ICE: Provide ERO staffing model for transfers to ICE custody (see b above)
 - Provide talking points on 287g program
- SLLE: Develop list of law enforcement needs with respect to PEP (see a above)
- ICE ERO: Develop list of requirements for SLLE with respect to PEP (see a above)
- OGC: Complete legal analysis on how to implement LEAP without legislation (included in S2 read ahead for 12/8 mtng)

Suspense Changes

- IGA: Accelerate plans on engaging state and local government to January 5 (deferred for further discussion with S2)
- OGC: Accelerate legal opinion on advanced parole (Arrabally) (pending)



**Homeland
Security**

March 6, 2015

INFORMATION

MEMORANDUM FOR THE DEPUTY SECRETARY

THROUGH: Alan Metzler
Senior Counselor to the Secretary

Serena Hoy
Counselor to the Deputy Secretary

FROM: Megan H. Mack
Officer for Civil Rights and Civil Liberties

SUBJECT: **Civil Rights Monitoring of Immigration and Customs Enforcement
Transfers from State and Local Law Enforcement Agencies**

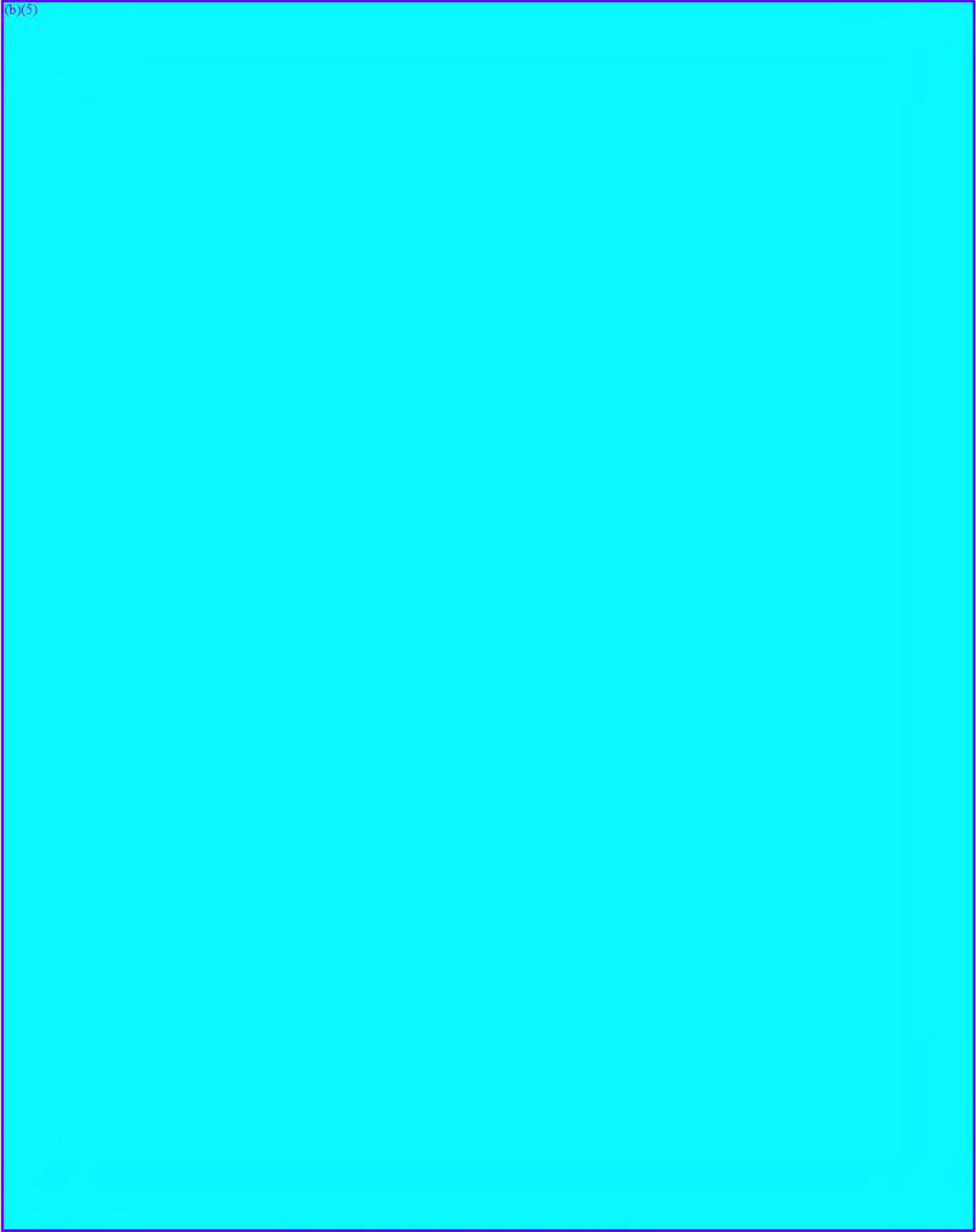
(b)(5)



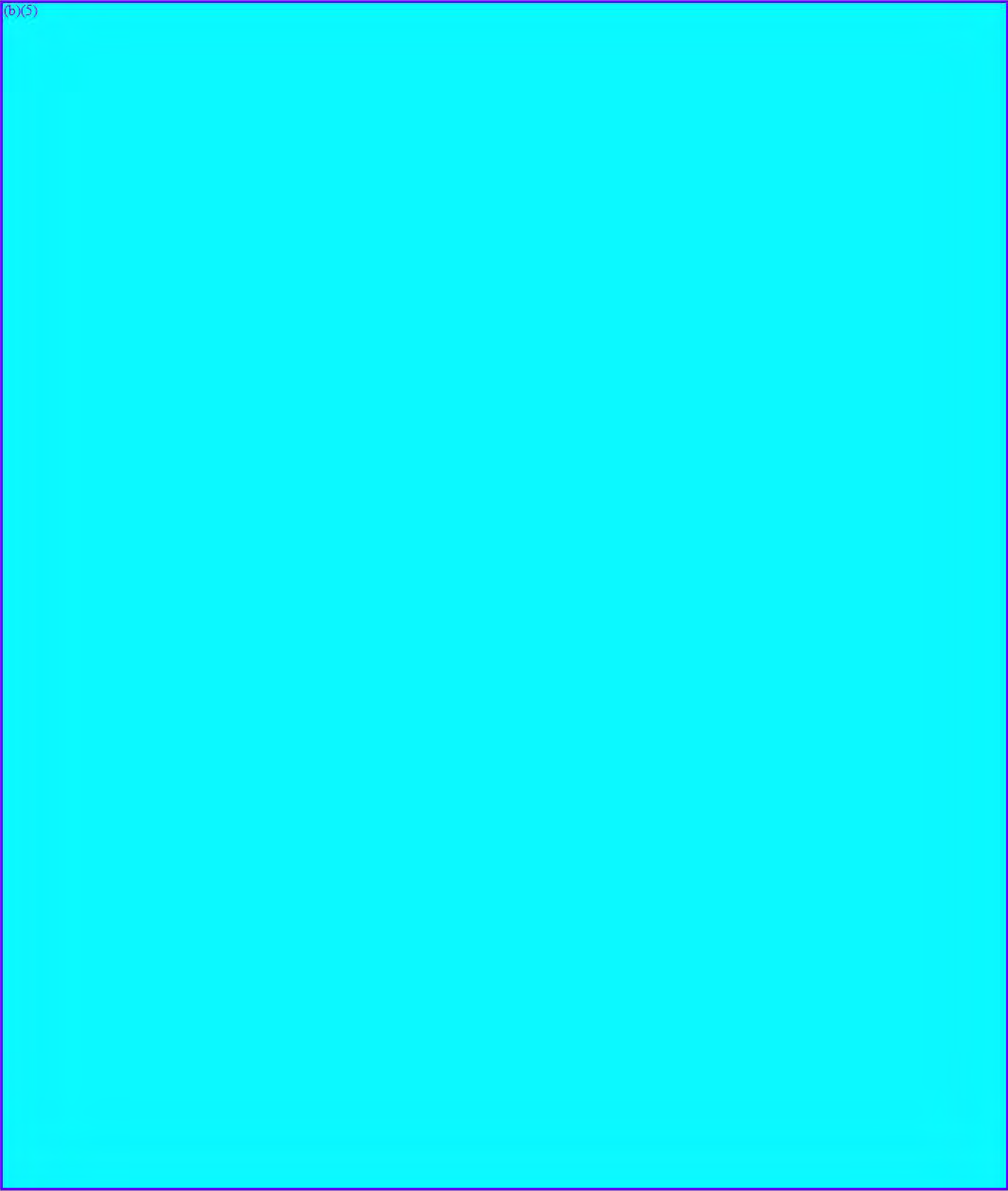
Protected by Deliberative Process Privilege
FOR OFFICIAL USE ONLY

DHS-001-000316

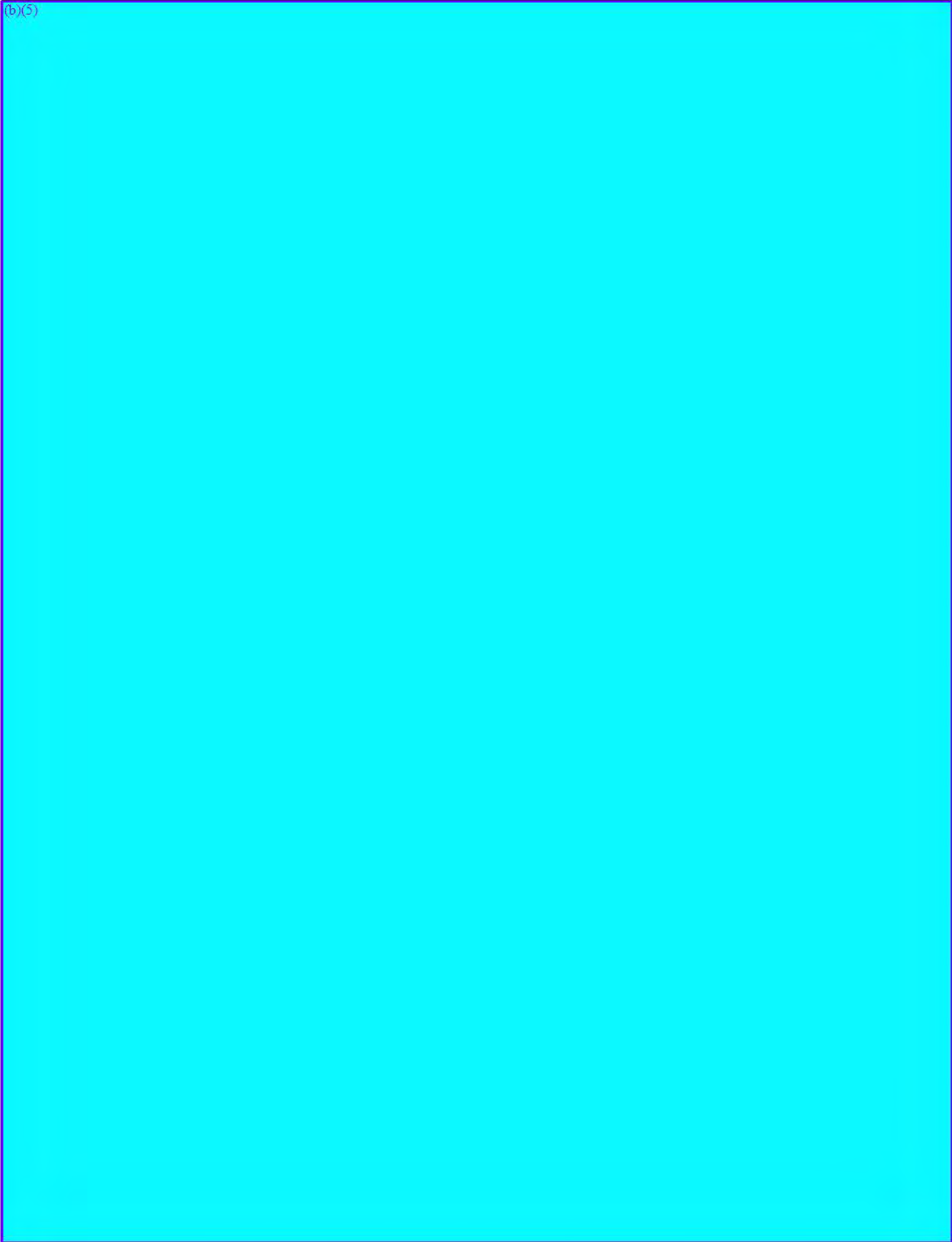
(b)(5)



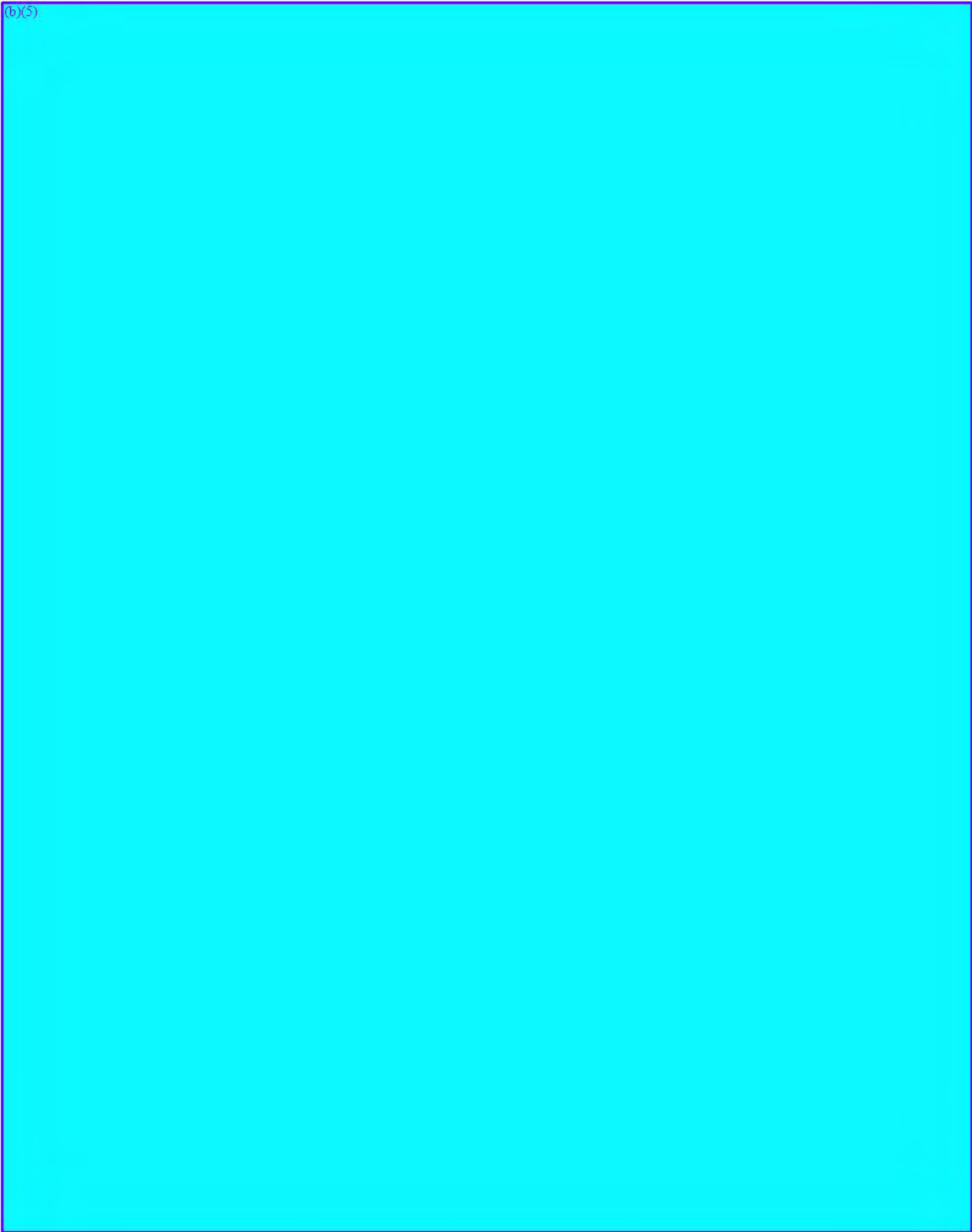
(b)(5)



(b)(5)



(b)(5)



**Briefing on CRCL Monitoring of ICE PEP
March 10, 2015**

Overview:

- CRCL and ICE will brief you on plans for CRCL’s monitoring of state and local law enforcement cooperation with ICE enforcement operations in jails and prisons
- CRCL will be presenting, along with ICE and counselors Metzler, Olavarria, and Hoy.
- The purpose is principally to brief you on planning, outstanding issues, and potential future decisions.

Discussion Points:

- (b)(5)
-
-
-
-
-
-
-

Background:

- Further background on CRCL’s prior monitoring and current proposals are in the attached monitoring plan.

Participants:

Deputy Secretary Mayorkas
Alan Metzler, Senior Counselor to the Secretary
Serena Hoy, Counselor to the Deputy Secretary
Esther Olavarria, Senior Counsel to the Secretary
Megan Mack, Officer for Civil Rights and Civil Liberties

Tamara Kessler, Deputy CRCL Officer for Programs and Compliance

(b)(6) Director of Programs, CRCL

(b)(6) Senior Advisor, CRCL

(b)(6) Director of Compliance, CRCL

(b)(6) Acting Deputy Director of Compliance, CRCL

(b)(6) Policy Analyst, CRCL

(b)(6) Deputy Assistant Secretary for Immigration Policy

(b)(6) Deputy Assistant Secretary for Risk and Decision Analysis

(b)(6) Chief, Communications Division, OIS

(b)(6) Chief of Staff, ICE

Riah Ramlogan, Acting Principal Legal Advisor, ICE OPLA

(b)(6) Associate Legal Advisor, ICE OPLA

Mike P. Davis, Director of Enforcement and Litigation, ICE OPLA

Thomas Homan, Executive Associate Director, ICE ERO

Timothy Robbins, Deputy Executive Associate Director, ICE ERO

Matthew Albence, Assistant Director – Secure Communities & Enforcement, ICE ERO

Philip Miller, Assistant Director – Field Operations, ICE ERO

Marc Rapp, Assistant Director – LESA, ICE ERO

(b)(6) Deputy Assistant Director – LESA, ICE ERO

Attachments:

A. CRCL monitoring plan memorandum

Staff Responsible for Briefing Memo:

Megan Mack, Officer for Civil Rights and Civil Liberties

Staff contact: (b)(6) 202-604-(b)(6)

DHS INSTRUCTION COMMENT FORM

Title or Description: Instruction # 0544-01-001, Implementing Department of Homeland Security Immigration Enforcement Priorities	Point of Contact: (b)(6) Phone: 202-357-(b)(6) office); 202-604-(b)(6) (c) Email: (b)(6)
Comments provided by (Component): DHS-HQ-CRCL	
Submitted on: 5/14/15	

INSTRUCTIONS: Check if your Component: Concur (with comments) or Non-Concur.
 The Reference column is where you will type the Directive reference you are commenting on.
 The Comment column is where you will type your comment.
 The Response column you leave blank. The Instructor Originator uses this column.
 If you use an in-house comment chart, please transfer your data to this chart, leaving the Response column blank.

Concur (w/o comments)
 Concur (w/ comments)
 Non-Concur (w/ comments ##2,4)

#	Reference	Comment	Response
Instruction Document			
1.	(b)(5)		
2.			

3.

(b)(5)

4.

5.

6.

7.

From:	Mack, Megan (b)(6)
To:	(b)(6)
CC:	(b)(6)
Subject:	FW: [Past Due] S2BB - 03.09.15 - Meeting re PEP Monitoring (Due: Yesterday, 03.05.15 1700)
Date:	2015/03/06 13:38:34
Priority:	Normal
Type:	Note

Here are the finals. Not sure where we are with trying to meet with ICE before S2 meeting

From: (b)(6) **On Behalf Of** CRCL Exec Sec
Sent: Friday, March 06, 2015 1:10 PM
To: (b)(6)
Cc: (b)(6)
(b)(6) Mack, Megan; (b)(6) CRCL Exec Sec
Subject: RE: [Past Due] S2BB - 03.09.15 - Meeting re PEP Monitoring (Due: Yesterday, 03.05.15 1700)

Attached are the products for this meeting. Cleared by Officer Megan Mack.

Sincerely,

(b)(6)
CRCL ExecSec
CRCL/DHS
(202) 357-(b)(6) ofc | (202) 604-(b)(6) mobile

From: (b)(6)
Sent: Friday, March 06, 2015 1:03 PM
To: CRCL Exec Sec
Cc: (b)(6)
(b)(6)
Subject: RE: [Past Due] S2BB - 03.09.15 - Meeting re PEP Monitoring (Due: Yesterday, 03.05.15 1700)

Please do not wait for coordination and send materials as is.

Thank you.

From: (b)(6)
Sent: Friday, March 06, 2015 12:02 PM

To: CRCL Exec Sec

Cc: (b)(6)

(b)(6)

Subject: RE: [Past Due] S2BB - 03.09.15 - Meeting re PEP Monitoring (Due: Yesterday, 03.05.15 1700)

After 4:00PM is too late given the new timeframe.

Materials need to go through another layer of review on our side with the Front Office. We will accept materials without coordination, please send as soon as possible.

Thank you,

(b)(6)

From: (b)(6) **On Behalf Of** CRCL Exec Sec

Sent: Friday, March 06, 2015 11:59 AM

To: (b)(6)

Cc: (b)(6)

(b)(6)

Subject: RE: [Past Due] S2BB - 03.09.15 - Meeting re PEP Monitoring (Due: Yesterday, 03.05.15 1700)

Good morning (b)(6)

CRCL has circulated the briefing materials to our coordinators with a FIRM 4:00 p.m. deadline. We anticipate providing the materials shortly after that timeframe. We were not aware the meeting had been rescheduled again.

Sincerely,

(b)(6)

CRCL ExecSec

CRCL/DHS

(202) 357 (b)(6) ofc | (202) 604 (b)(6) mobile

From: (b)(6)

Sent: Friday, March 06, 2015 11:55 AM

To: (b)(6)

Cc: (b)(6)

Subject: RE: [Past Due] S2BB - 03.09.15 - Meeting re PEP Monitoring (Due: Yesterday, 03.05.15 1700)

Can I get an update on these materials?

Given that the meeting was moved a day early, these materials are needed as soon as possible.

Thank You,

(b)(6)

Office of the Executive Secretary

Office of the Secretary
U.S. Department of Homeland Security
Desk: 202-447-(b)(6)

From: (b)(6)
Sent: Friday, March 06, 2015 10:04 AM
To: (b)(6)
Cc: (b)(6)

Subject: [Past Due] S2BB - 03.09.15 - Meeting re PEP Monitoring (Due: Yesterday, 03.05.15 1700)
Importance: High

These materials are **past due**.
This meeting has been rescheduled for **Monday, March 9, 2015**.
Please provide materials as soon as possible.

From: (b)(6)
Sent: Tuesday, March 03, 2015 2:32 PM
To: (b)(6)
Cc: (b)(6)

Subject: [Reschedule] S2BB - 03.10.15 - Meeting re PEP Monitoring (Due: 03.05.15 1700)

Please see new date and due date.
Meeting Date: March 10, 2015
Due Date: March 5, 2015 1700

From: (b)(6)
Sent: Tuesday, March 03, 2015 12:59 PM
To: (b)(6)
Cc: (b)(6)

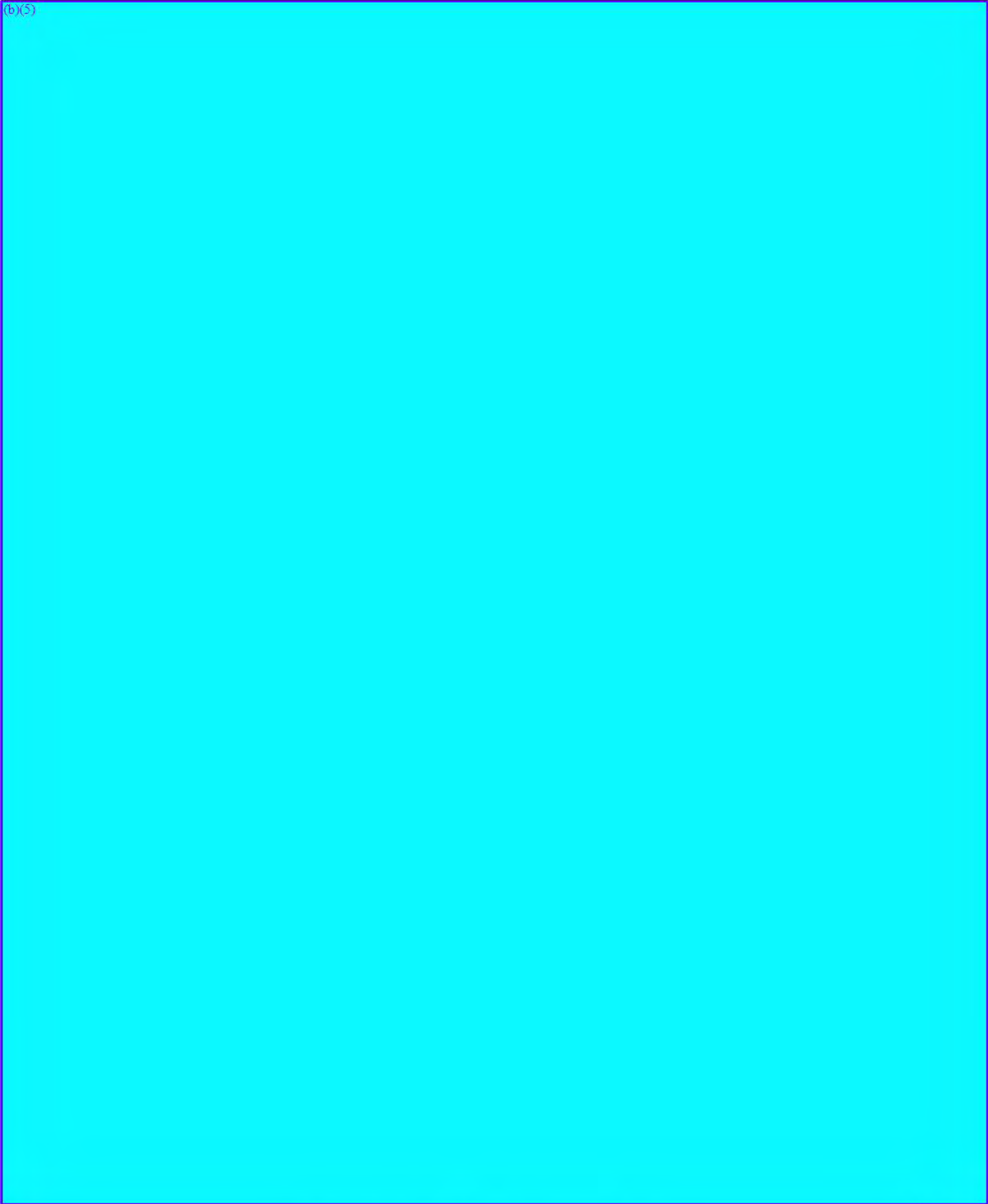
Subject: [Urgent] S2BB - 03.04.15 - Meeting re PEP Monitoring (Due: Today)

	If a presentation is to be made, Lead Component is responsible for providing an appropriate number of handouts at the meeting. (15 if the meeting takes place in Rm. 5110D; 25 if in Rm. 5107.)
Due	Thursday, 03.05.15 (1700)

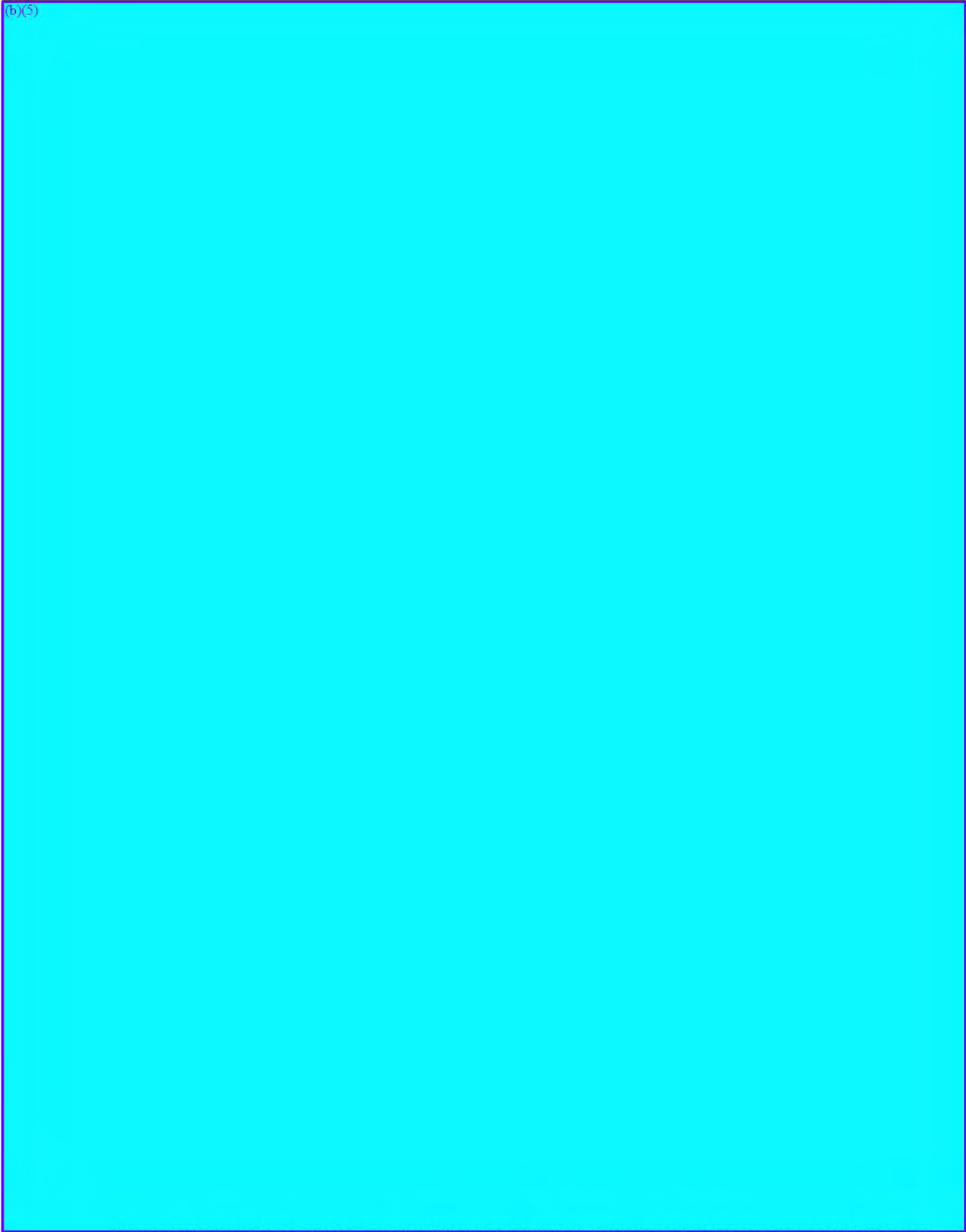
DHS Briefing Book Standards and Procedures (including links to template and example) are located on the DHS intranet at: (b)(7)(E)

Sender:	Mack, Megan (b)(6)
Recipient:	(b)(6)
Sent Date:	2015/03/06 13:38:33
Delivered Date:	2015/03/06 13:38:34

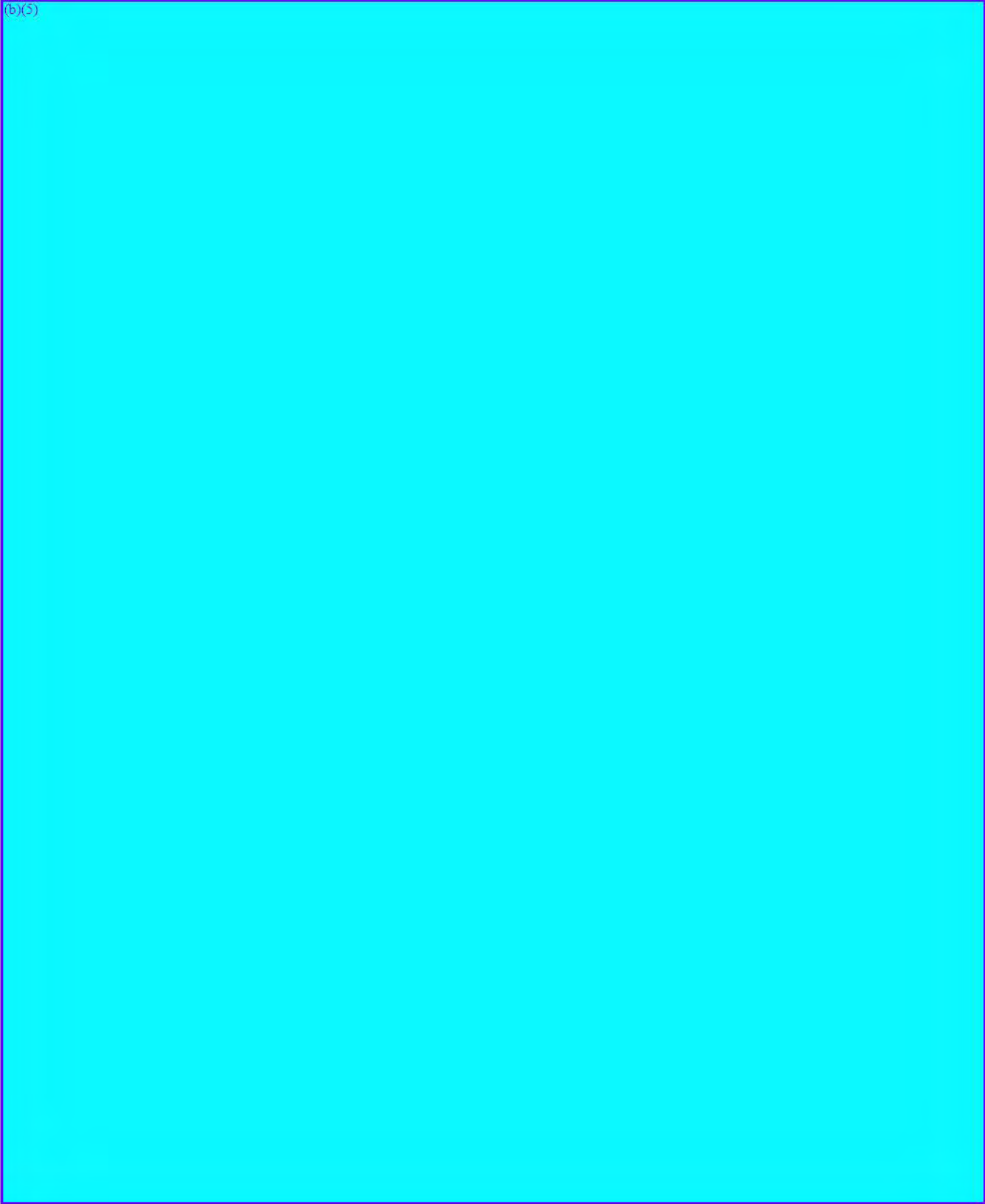
(b)(5)



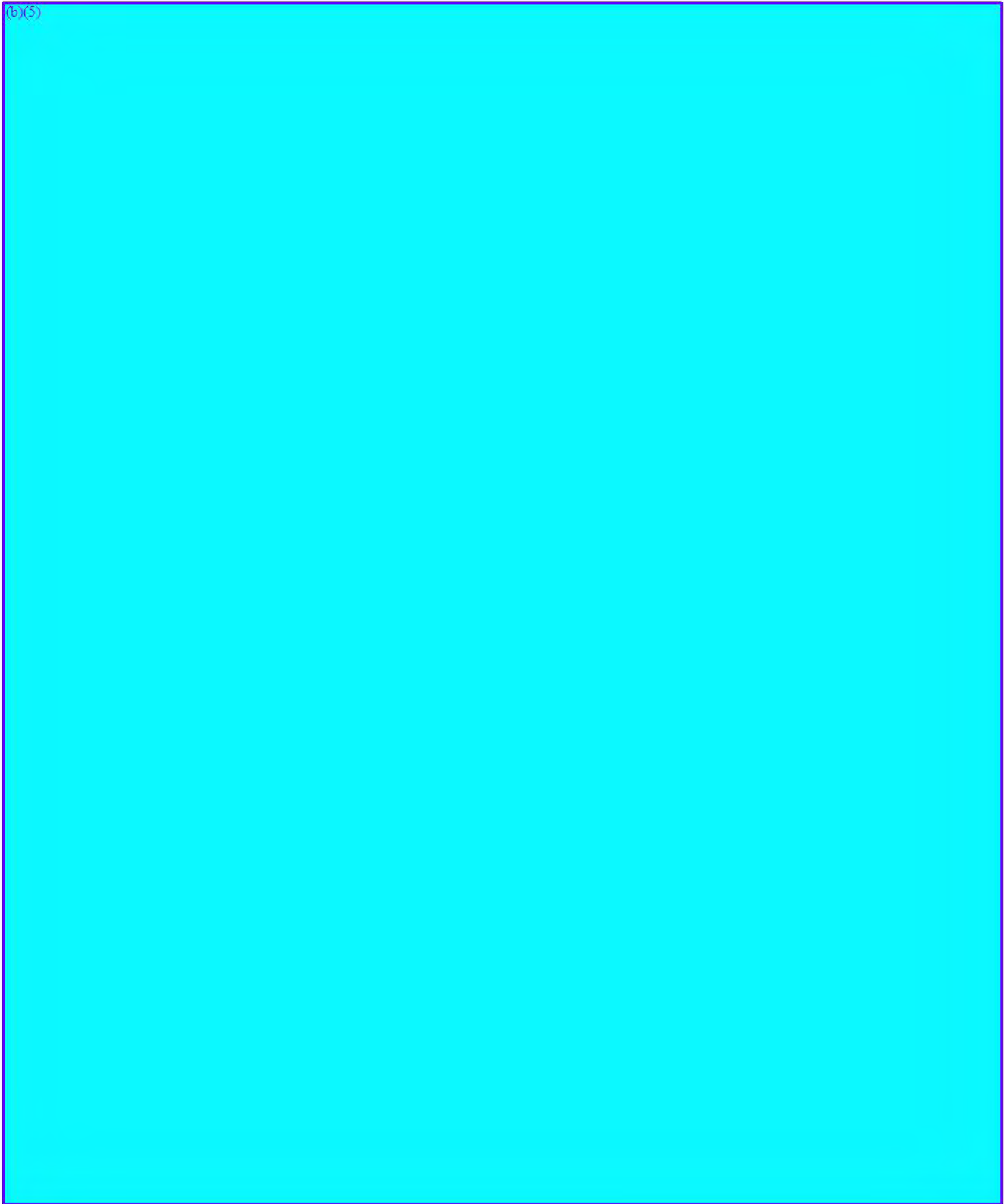
(b)(5)



(b)(5)



(b)(5)



**Briefing on CRCL Monitoring of ICE PEP
March 9, 2015**

(b)(5),(b)(6)



Background:

- Further background on CRCL's prior monitoring and current proposals are in the attached monitoring plan.

Participants:

Deputy Secretary Mayorkas
Alan Metzler, Senior Counselor to the Secretary
Serena Hoy, Counselor to the Deputy Secretary
Esther Olavarria, Senior Counsel to the Secretary
Megan Mack, Officer for Civil Rights and Civil Liberties

(b)(6) Deputy CRCL Officer for Programs and Compliance
(b)(6) Director of Programs, CRCL
(b)(6) Senior Advisor, CRCL
(b)(6) Director of Compliance, CRCL
(b)(6) Acting Deputy Director of Compliance, CRCL
(b)(6) Policy Analyst, CRCL
(b)(6) Deputy Assistant Secretary for Immigration Policy
(b)(6) Deputy Assistant Secretary for Risk and Decision Analysis
(b)(6) Chief, Communications Division, OIS
Leonard Joseph, Chief of Staff, ICE
Riah Ramlogan, Acting Principal Legal Advisor, ICE OPLA
(b)(6) Associate Legal Advisor, ICE OPLA
Mike P. Davis, Director of Enforcement and Litigation, ICE OPLA
Thomas Homan, Executive Associate Director, ICE ERO
Timothy Robbins, Deputy Executive Associate Director, ICE ERO
Matthew Albence, Assistant Director – Secure Communities & Enforcement, ICE ERO
Philip Miller, Assistant Director – Field Operations, ICE ERO
Marc Rapp, Assistant Director – LESA, ICE ERO
Tadgh Smith, Deputy Assistant Director – LESA, ICE ERO

Attachments:

A. CRCL monitoring plan memorandum

Staff Responsible for Briefing Memo:

Megan Mack, Officer for Civil Rights and Civil Liberties

Staff contact: (b)(6) 202-604-(b)(6)

FOR OFFICIAL USE ONLY

Meeting with Council Member Dan Garodnik
April 2, 2015
250 Broadway Street, 17th Floor, New York, NY

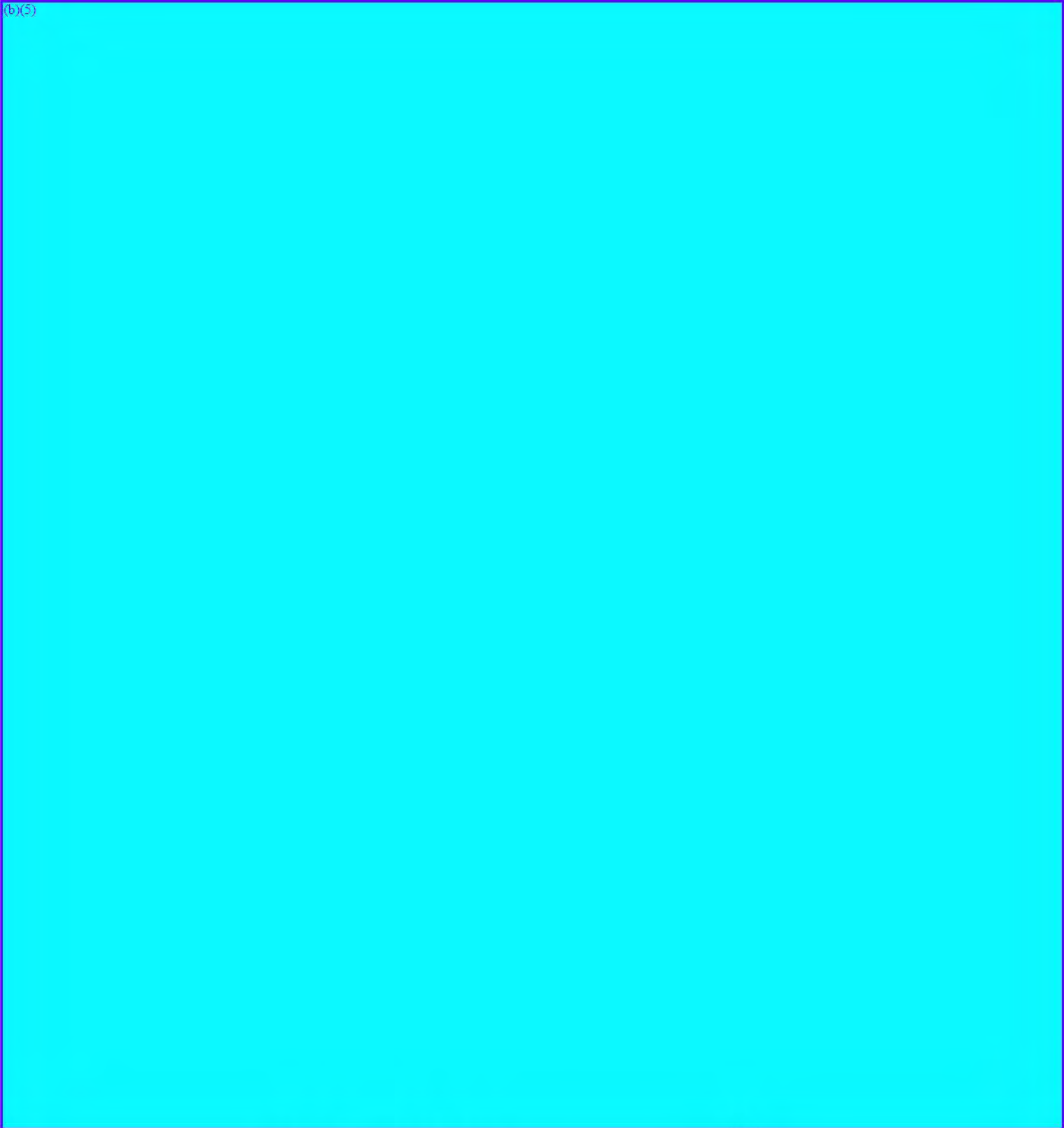
(b)(5)

(b)(5)

FOR OFFICIAL USE ONLY

1

(b)(5)



FOR OFFICIAL USE ONLY

2

(b)(5)



(b)(5)



MEETING WITH COUNCIL MEMBER GARODNICK
Talking Points

- Thank the Council Member for taking time from his busy schedule to meet on the subject of the President's Executive Actions on Immigration, and specifically the new Priority Enforcement Program.
- Note that the President sees his executive actions as only the first in a series of steps toward comprehensive immigration reform by Congress.
- State that the Executive Actions will help better protect jurisdictions like New York City by encouraging community cooperation with police. Cooperation between police and community members is a cornerstone of law enforcement.
- Explain that the purpose of the Priority Enforcement Program is to remove those individuals who present the greatest threat to the Nation and the local communities.
- Highlight that your policies prioritize resources by focusing on felons, gang members, threats to national security and other high priority targets.
- Remind the Council Member that the Executive Actions are an exercise of prosecutorial discretion during a time of limited resources – and that there is never enough money, personnel, and other resources to go after all violators. And emphasize that every police department and every prosecutor responds in the same way – by prioritizing violations.
- Close by reiterating your commitment to partnering with New York City officials on the implementation of the President's Executive Actions, and particularly the PEP program.

COUNCILMAN DAN GARODNICK



Born and raised in Stuyvesant Town / Peter Cooper Village, in 2006 Dan foresaw that the sale of the property would put affordable, middle-class housing at risk in New York City, and initiated an unprecedented, multi-billion dollar bid on behalf of 25,000 tenants to buy the property.

As another sale has become imminent, Dan organized over fifty elected officials from across New York to form a Coalition Against Predatory Equity, who together ensured the commitment of Fannie Mae and Freddie Mac not to lend to buyers motivated to run out middle-class tenants by destabilizing affordable units.

Dan made the list of City Hall newspaper's "Rising Stars" under the age of 40, and has been praised for his "independent streak," and "creative problem solving." He has been recognized among a small group of national pro-growth progressive leaders and currently serves as Chair of the City Council's Economic Development Committee.

The Wall Street Journal described Dan as "smart and fair," and the Daily News recognized him as one of the Council's most effective legislators.

He has authored some of the most important legislation to pass the Council in the past number of years, including the Tenant Protection Act, giving tenants an opportunity to sue for harassment; the City's first Green Energy Code, to reduce carbon emissions from buildings; and the expansion of the Transit Benefits Program, allowing employees to purchase Metrocards using pre-taxed earnings and save about \$433 every year and heralded as "a business regulation that makes sense."

Prior to his election to the City Council in 2005, Dan was a litigator at the New York Law firm of Paul, Weiss, Rifkind, Wharton & Garrison, LLP, and a law clerk for the Honorable Colleen McMahon of the Southern District of New York. He is a graduate of Dartmouth College and the University of Pennsylvania Law School, where he served as Editor-in-Chief of the University of Pennsylvania Law Review. He lives with his wife, Zoe, and two sons, Asher and Devin, in Peter Cooper Village.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2014**

No. 59

Introduced by The Speaker (Council Member Mark-Viverito) and Council Members Dromm, Menchaca, Espinal, Arroyo, Chin, Constantinides, Johnson, Lander, Levine, Richards, Rose, Rodriguez, Reynoso, Palma, Levin, Mendez, Cohen, Barron, Koo, Wills, Van Bramer, Crowley and Kallos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to persons not to be detained by the police department.

Be it enacted by the Council as follows:

Section 1. Section 14-154 of chapter 1 of title 14 of the administrative code of the city of New York as added by local law number 21 for the year 2013 is amended to read as follows:

§14-154. Persons not to be detained. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. “Civil immigration detainer” shall mean a detainer issued pursuant to 8 C.F.R. § 287.7 or any similar federal request for detention of a person suspected of violating civil immigration law.

2. “Convicted of a [covered] *violent or serious crime*” shall mean a [final] judgment [of guilt] pursuant to section 1.20(15) of the criminal procedure law entered on a [covered] *violent or serious crime*, [including a conditional discharge pursuant to section 410.10 of the criminal procedure law, or a comparable provision of federal law or the law of another state] or a conviction under federal law or the law of another state that would constitute a “predicate felony conviction” pursuant to section 70.06(1)(b)(i) of the penal law provided that such conviction was for the

equivalent of a violent or serious crime. A person shall not be considered convicted of a [covered] *violent or serious* crime if that person:

i. was adjudicated as a youthful offender, pursuant to article seven hundred twenty of the criminal procedure law, or a comparable status pursuant to federal law or the law of another state, or a juvenile delinquent, as defined by subdivision one of section 301.2 of the family court act, or a comparable status pursuant to federal law or the law of another state; or

ii. [has never had a final judgment of guilt entered against him or her on a felony and] has not had a [final] judgment [of guilt] *pursuant to section 1.20(15) of the criminal procedure law* entered against him or her on a [misdemeanor that is a covered] *violent or serious* crime for at least [ten] *five* years prior to the date of the instant arrest, *provided that any period of time during which the person was incarcerated for a violent or serious crime, between the time of the commission of such violent or serious crime and the instant arrest, shall be excluded in calculating such five year period and such five year period shall be extended by a period or periods equal to the time served under such incarceration, and further provided that for purposes of paragraph two of subdivision b of this section a person shall be considered convicted of a violent or serious crime if a judgment pursuant to section 1.20(15) of the criminal procedure law has ever been entered against him or her for a violent or serious crime.*

[3. “Covered crime” shall mean a misdemeanor or felony charge brought in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, provided, however, that a charge brought pursuant to section 230.00 of the penal law, section 240.37 of the penal law, except when such charge relates to the patronizing of a prostitute, or subdivision one or subparagraph (i) or (iv) of paragraph (a) of subdivision two of section five hundred eleven of the vehicle and traffic law, or

a comparable provision of federal law or the law of another state, shall not be deemed a covered crime.

4. “Covered criminal case” shall mean a case in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, excluding the family court of the state of New York or a comparable court in another jurisdiction in the United States, where any felony charge, or a misdemeanor charge pursuant to any of the following provisions, or a comparable provision of federal law or the law of another state, is pending:

A. section 120.00 of the penal law, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the criminal procedure law;

B. article one hundred thirty of the penal law;

C. section 265.01 of the penal law, provided that such charge relates to possession of a firearm, rifle, shotgun, bullet or ammunition;

D. section 215.50 of the penal law, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the criminal procedure law; or

E. article thirty-one of the vehicle and traffic law.]

[5.] 3. “Federal immigration authorities” shall mean any officer, employee or person otherwise paid by or acting as an agent of United States immigration and customs enforcement or any division thereof or any other officer, employee or person otherwise paid by or acting as an agent of the United States department of homeland security who is charged with enforcement of the civil provisions of the immigration and nationality act.

4. *“Judicial warrant” shall mean a warrant based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. §631, that authorizes federal immigration authorities to take into custody the person who is the subject of such warrant.*

[6. (i) “Pending covered criminal case” shall mean a covered criminal case where judgment has not been entered.

(ii) Notwithstanding anything to the contrary in subparagraph i of this paragraph, any person who is a defendant in more than one case where judgment has not been entered and where a covered crime is charged, shall be deemed to be a defendant in a pending covered criminal case.

(iii) Any person whose case is disposed of with an adjournment in contemplation of dismissal pursuant to section 170.55 or 170.56 of the criminal procedure law, or a comparable provision of federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case, or a case in which a covered crime is charged for purposes of subparagraph ii of this paragraph.

(iv) Any person who has been sentenced to conditional discharge pursuant to section 410.10 of the criminal procedure law, or a comparable provision of federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case, or a case in which a covered crime is charged for purposes of subparagraph ii of this paragraph.

(v) Any person who, if convicted, must be found by the court to be a youthful offender, pursuant to paragraph (b) of subdivision one of section 720.20 of the criminal procedure law, or a comparable status pursuant to federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case.]

[7.] 5. “Terrorist screening database” shall mean the United States terrorist watch list or

any similar or successor list maintained by the United States.

6. *“Violent or serious crime” shall mean:*

i. a felony defined in any of the following sections of the penal law: 120.01, 120.02, 120.03, 120.04, 120.04-a(4), 120.05, 120.06, 120.07, 120.08, 120.09, 120.10, 120.11, 120.12, 120.13, 120.18, 120.25, 120.55, 120.60, 120.70, 121.12, 121.13, 125.10, 125.11, 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 125.40, 125.45, 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65, 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.90, 130.95, 130.96, 135.10, 135.20, 135.25, 135.35, 135.50, 135.65(2)(b), 140.17, 140.25, 140.30, 145.12, 150.05, 150.10, 150.15, 150.20, 160.05, 160.10, 160.15, 195.07, 195.08, 195.17, 215.11, 215.12, 215.13, 215.15, 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.28, 220.41, 220.43, 220.44, 220.48, 220.77, 230.05, 230.06, 230.19, 230.25(2), 230.30, 230.32, 230.33, 230.34, 235.22, 240.06, 240.55, 240.60, 240.61, 240.62, 240.63, 240.75, 241.05, 255.26, 255.27, 260.25, 260.32, 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 263.30, 265.01-a, 265.01-b, 265.02 (2) through (8), 265.03, 265.04, 265.08, 265.09, 265.10, 265.11, 265.12, 265.13, 265.14, 265.16, 265.17, 265.19, 265.35(2), 270.30, 270.35, 405.16(1), 405.18, 460.22, 470.21, 470.22, 470.23, 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37, 490.40, 490.45, 490.47, 490.50, or 490.55;

ii. a hate crime as defined in section 485.05 of the penal law, provided such hate crime constitutes a felony;

iii. a felony attempt, felony conspiracy, or felony criminal solicitation to commit any crime specified in subparagraph (i) of this paragraph, or a felony criminal facilitation of such specified crime;

iv. any felony set forth in section 600 of the vehicle and traffic law; or

v. any crime codified by the legislature subsequent to the enactment of this section that the department of correction, in consultation with the department, by rule determines to be a felony involving violence, force, firearms, terrorism, or endangerment or abuse of vulnerable persons, or any crime for which a change made by the legislature requires amendment of the crimes specified in this paragraph.

b. Prohibition on honoring a civil immigration detainer. 1. The department [shall not honor a civil immigration detainer by:

(i) holding a person beyond the time when such person would otherwise be released from the department's custody, except for such reasonable time as is necessary to conduct the search specified in paragraph two of this subdivision, or

(ii) notifying federal immigration authorities of such person's release.

2. Paragraph one of this subdivision shall not apply under any of the following circumstances:

(i) A]

may only honor a civil immigration detainer by holding a person beyond the time when such person would otherwise be released from the department's custody, in addition to such reasonable time as is necessary to conduct the search specified in subparagraph (ii) of this paragraph, or by notifying federal immigration authorities of such person's release, if:

i. federal immigration authorities present the department with a judicial warrant for the detention of the person who is the subject of such civil immigration detainer at the time such civil immigration detainer is presented; and

ii. a search, conducted at or about the time when such person would otherwise be released from the department's custody, of state and federal databases, or any similar or successor

databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city of New York or state of New York, indicates, or the department has been informed by a court *or any other governmental entity*, that such person:

A. has been convicted of a [covered] *violent or serious* crime[;],

[B. is a defendant in a pending covered criminal case;

C. has an outstanding criminal warrant in the state of New York or another jurisdiction in the United States;

D. is identified as a known gang member in the database of the national crime information center or any similar or successor database maintained by the United States;] or

[E] B. is identified as a possible match in the terrorist screening database.

[(ii) The search conducted pursuant to subparagraph i of this paragraph indicates, or the department has been informed by federal immigration authorities, that such person:

A. has an outstanding warrant of removal issued pursuant to 8 C.F.R. 241.2; or

B. is or has previously been subject to a final order of removal pursuant to 8 C.F.R. 1241.1.]

2. *Notwithstanding paragraph one of this subdivision, the department may honor a civil immigration detainer by holding an person for up to forty-eight hours, excluding Saturdays, Sundays and holidays, beyond the time when such person would otherwise be released from the department's custody, in addition to such reasonable time as is necessary to conduct the search specified in this paragraph, if a search, conducted at or about the time when such person would otherwise be released from the department's custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice*

services e-JusticeNY computer application, or any similar or successor computer application maintained by the city of New York or state of New York, indicates, or the department has been informed by a court or any other governmental agency, that such person:

A. has been convicted of a violent or serious crime and has illegally re-entered the country after a previous removal or return, or

B. is identified as a possible match in the terrorist screening database;
provided, however, that if federal immigration authorities fail to present the department with a judicial warrant for such person within the period described above, such person shall be released and the department shall not notify federal immigration authorities of such person's release.

3. Nothing in this section shall affect the obligation of the department to maintain the confidentiality of any information obtained pursuant to [paragraph] *paragraphs one or two* of this subdivision.

c. No conferral of authority. Nothing in this section shall be construed to confer any authority on any entity to hold persons on civil immigration detainers beyond the authority, if any, that existed prior to the enactment of this section.

d. No conflict with existing law. This local law supersedes all conflicting policies, rules, procedures and practices of the city of New York. Nothing in this local law shall be construed to prohibit any city agency from cooperating with federal immigration authorities when required under federal law. Nothing in this local law shall be interpreted or applied so as to create any power, duty or obligation in conflict with any federal or state law.

e. No private right of action. Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department, *or any official or employee*

thereof.

f. Reporting. No later than [September 30, 2013] *October 15, 2015*, and no later than [September thirtieth] *October fifteenth* of each year thereafter, the department shall post a report on the department website that includes the following information for the preceding twelve month period ending September thirtieth:

1. the number of civil immigration detainees received from federal immigration authorities;
2. the number of persons held pursuant to civil immigration detainees beyond the time when such person would otherwise be released from the department's custody;
3. the number of persons transferred to the custody of federal immigration authorities pursuant to civil immigration detainees; and
4. the number of persons for whom civil immigration detainees were not honored pursuant to subdivision b of this section.

g. For the purpose of this section, any reference to a statute, rule, or regulation shall be deemed to include any successor provision.

§2. Severability. If any provision of this local law shall be adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the provision directly involved in the controversy in which such judgment shall have been rendered.

§3. This local law shall take effect 30 days after it shall have become a law, except that the commissioner shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 22, 2014 and approved by the Mayor on November 14, 2014.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 59 of 2014, Council Int. No. 487-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2014**

No. 58

Introduced by The Speaker (Council Member Mark-Viverito) and Council Members Dromm, Menchaca, Espinal, Arroyo, Chin, Constantinides, Eugene, Johnson, Koo, Lander, Levine, Richards, Rose, Rodriguez, Reynoso, Palma, Levin, Mendez, Cohen, Barron, Wills, Van Bramer, Crowley and Kallos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to persons not to be detained by the department of correction.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 9-131 of chapter 1 of title 9 of the administrative code of the city of New York, as amended by local law number 22 for the year 2013, is amended to read as follows:

a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. “Civil immigration detainer” shall mean a detainer issued pursuant to 8 C.F.R. § 287.7 *or any similar federal request for detention of a person suspected of violating civil immigration law.*

2. “Convicted of a [covered] *violent or serious* crime” shall mean a [final] judgment [of guilt] *pursuant to section 1.20(15) of the criminal procedure law* entered on a [covered] *violent or serious* crime[, including a conditional discharge pursuant to section 410.10 of the criminal procedure law, or a comparable provision of federal law or the law of another state] *or a conviction*

under federal law or the law of another state that would constitute a “predicate felony conviction” under section 70.06(1)(b)(i) of the penal law provided that such conviction was for the equivalent of a violent or serious crime. [An individual] A person shall not be considered convicted of a [covered] violent or serious crime if that [individual] person:

i. was adjudicated as a youthful offender, pursuant to article seven hundred twenty of the criminal procedure law, or a comparable status pursuant to federal law or the law of another state, or a juvenile delinquent, as defined by subdivision one of section 301.2 of the family court act, or a comparable status pursuant to federal law or the law of another state; or

ii. [has never had a final judgment of guilt entered against him or her on a felony and] has not had a [final] judgment [of guilt] *pursuant to section 1.20(15) of the criminal procedure law entered against him or her on a [misdemeanor that is a covered] violent or serious crime for at least [ten] five years prior to the date of the instant arrest, provided that any period of time during which the person was incarcerated for a violent or serious crime, between the time of the commission of such violent or serious crime and the instant arrest, shall be excluded in calculating such five year period and such five year period shall be extended by a period or periods equal to the time served under such incarceration.*

[3. “Covered crime” shall mean a misdemeanor or felony charge brought in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, provided, however, that a charge brought pursuant to section 230.00 of the penal law, section 240.37 of the penal law, except when such charge relates to the patronizing of a prostitute, or subdivision one or subparagraph (i) or (iv) of paragraph (a) of subdivision two of section five hundred eleven of the vehicle and traffic law, or a comparable provision of federal law or the law of another state, shall not be deemed a covered

crime.

4. “Covered criminal case” shall mean a case in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, excluding the family court of the state of New York or a comparable court in another jurisdiction in the United States, where any felony charge, or a misdemeanor charge pursuant to any of the following provisions, or a comparable provision of federal law or the law of another state, is pending.

A. section 120.00 of the penal law, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the criminal procedure law;

B. article one hundred thirty of the penal law;

C. section 265.01 of the penal law, provided that such charge relates to possession of a firearm, rifle, shotgun, bullet or ammunition;

D. section 215.50 of the penal law, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the criminal procedure law; or

E. article thirty-one of the vehicle and traffic law.]

[5] 3. “Department” shall mean the New York city department of correction and shall include all officers, employees and persons otherwise paid by or acting as agents of the department.

[6] 4. “Federal immigration authorities” shall mean any officer, employee or person otherwise paid by or acting as an agent of United States immigration and customs enforcement or any division thereof or any other officer, employee or person otherwise paid by or acting as an

agent of the United States department of homeland security who is charged with enforcement of the civil provisions of the immigration and nationality act.

5. *“Judicial warrant” shall mean a warrant based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. §631, that authorizes federal immigration authorities to take into custody the person who is the subject of such warrant.*

[7. i. “Pending covered criminal case” shall mean a covered criminal case where judgment has not been entered.

ii. Notwithstanding anything to the contrary in subparagraph i of this paragraph, an individual who is a defendant in more than one case where judgment has not been entered and where a covered crime is charged, shall be deemed to be a defendant in a pending covered criminal case.

iii. Any individual whose case is disposed of with an adjournment in contemplation of dismissal pursuant to section 170.55 or 170.56 of the criminal procedure law, or a comparable provision of federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case, or a case in which a covered crime is charged for purposes of subparagraph (ii) of this paragraph.

iv. Any individual who has been sentenced to conditional discharge pursuant to section 410.10 of the criminal procedure law or a comparable provision of federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case, or a case in which a covered crime is charged for purposes of subparagraph ii of this paragraph.

v. Any individual who, if convicted, must be found by the court to be a youthful offender, pursuant to paragraph (b) of subdivision one of section 720.20 of the criminal procedure law, or a

comparable status pursuant to federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case.]

[8] 6. “Terrorist screening database” shall mean the United States terrorist watch list or any similar or successor list maintained by the United States.

7. “Violent or serious crime” shall mean:

i. a felony defined in any of the following sections of the penal law: 120.01, 120.02, 120.03, 120.04, 120.04-a(4), 120.05, 120.06, 120.07, 120.08, 120.09, 120.10, 120.11, 120.12, 120.13, 120.18, 120.25, 120.55, 120.60, 120.70, 121.12, 121.13, 125.10, 125.11, 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 125.40, 125.45, 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65, 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.90, 130.95, 130.96, 135.10, 135.20, 135.25, 135.35, 135.50, 135.65(2)(b), 140.17, 140.25, 140.30, 145.12, 150.05, 150.10, 150.15, 150.20, 160.05, 160.10, 160.15, 195.07, 195.08, 195.17, 215.11, 215.12, 215.13, 215.15, 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.28, 220.41, 220.43, 220.44, 220.48, 220.77, 230.05, 230.06, 230.19, 230.25(2), 230.30, 230.32, 230.33, 230.34, 235.22, 240.06, 240.55, 240.60, 240.61, 240.62, 240.63, 240.75, 241.05, 255.26, 255.27, 260.25, 260.32, 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 263.30, 265.01-a, 265.01-b, 265.02(2) through (8), 265.03, 265.04, 265.08, 265.09, 265.10, 265.11, 265.12, 265.13, 265.14, 265.16, 265.17, 265.19, 265.35(2), 270.30, 270.35, 405.16(1), 405.18, 460.22, 470.21, 470.22, 470.23, 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37, 490.40, 490.45, 490.47, 490.50, or 490.55;

ii. a hate crime as defined in section 485.05 of the penal law, provided such hate crime constitutes a felony;

iii. a felony attempt, felony conspiracy, or felony criminal solicitation to commit any crime

specified in subparagraph (i) of this paragraph, or a felony criminal facilitation of such specified crime;

iv. any felony set forth in section 600 of the vehicle and traffic law; or

v. any crime codified by the legislature subsequent to the enactment of this section that the department, in consultation with the police department, by rule determines to be a felony involving violence, force, firearms, terrorism, or endangerment or abuse of vulnerable persons, or any crime for which a change made by the legislature requires amendment of the crimes specified in this paragraph. The commissioner of correction shall submit any proposed additions to the crimes set forth in this paragraph to the speaker of the council at least sixty days prior to publishing such proposed rule.

§ 2. Subdivision b of section 9-131 of the administrative code of the city of New York, as amended by local law number 22 for the year 2013, is amended to read as follows:

b. Prohibition on honoring a civil immigration detainer. 1. The department [shall not honor a civil immigration detainer by:

i. holding an individual beyond the time when such individual would otherwise be released from the department's custody, except for such reasonable time as is necessary to conduct the search specified in paragraph two of this subdivision, or

ii. notifying federal immigration authorities of such individual's release.

2. Paragraph one of this subdivision shall not apply when:

i.]

may only honor a civil immigration detainer by holding a person beyond the time when such person would otherwise be released from the department's custody, in addition to such reasonable time as is necessary to conduct the search specified in subparagraph (ii) of this paragraph, or by

notifying federal immigration authorities of such person's release, if:

i. federal immigration authorities present the department with a judicial warrant for the detention of the person who is the subject of such civil immigration detainer at the time such civil immigration detainer is presented; and

ii. a search, conducted at or about the time when such individual would otherwise be released from the department's custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city of New York or state of New York, indicates, or the department has been informed by a court or any other governmental entity, that such [individual] person:

A. has been convicted of a [covered] *violent or serious* crime[;],

[B. is a defendant in a pending covered criminal case;

C. has an outstanding criminal warrant in the state of New York or another jurisdiction in the United States;

D. is identified as a known gang member in the database of the national crime information center or any similar or successor database maintained by the United States;] or

[E] B. is identified as a possible match in the terrorist screening database.

[ii. the search conducted pursuant to subparagraph i of this paragraph indicates, or the department has been informed by federal immigration authorities, that such individual:

A. has an outstanding warrant of removal issue pursuant to 8 C.F.R. 241.2; or

B. is or has previously been subject to a final order of removal pursuant to 8 C.F.R. 1241.1.]

[3] 2. Nothing in this section shall affect the obligation of the department to maintain the

confidentiality of any information obtained pursuant to paragraph [two] *one* of this subdivision.

§ 3. Subdivisions e and f of section 9-131 of the administrative code of the city of New York, as amended by local law number 22 for the year 2013, are amended to read as follows:

e. No private right of action. Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department, *or any official or employee thereof.*

f. Reporting. No later than [September 30, 2012] *October 15, 2015* and no later than [September thirtieth] *October fifteenth* of each year thereafter, the department shall post a report on the department website that includes the following information for the preceding twelve month period ending September thirtieth:

1. the total number of *civil immigration* detainees lodged with the department, disaggregated to the extent possible by the reason given by federal immigration authorities for issuing detainees, including, but not limited to, that federal immigration authorities:

i. had reason to believe that the [individuals] *persons* in the department's custody are subject to removal from the United States;

ii. initiated removal proceedings and served a notice to appear or other charging document on [individuals] *persons* in the department's custody;

iii. served a warrant of arrest for removal proceedings on [individuals] *persons* in the department's custody; or

iv. obtained orders of deportation or removal from the United States for [individuals] *persons* in the department's custody;

2. the number of [individuals] *persons* held pursuant to civil immigration detainees beyond

the time when such [individual] *person* would otherwise be released from the department's custody, disaggregated to the extent possible by the reason given by federal immigration authorities for issuing the detainers, including, but not limited to, that federal immigration authorities:

i. had reason to believe that the [individuals] *persons* in the department's custody are subject to removal from the United States;

ii. initiated removal proceedings and served a notice to appear or other charging document on [individuals] *persons* in the department's custody;

iii. served a warrant of arrest for removal proceedings on [individuals] *persons* in the department's custody; or

iv. obtained orders of deportation or removal from the United States for [individuals] *persons* in the department's custody;

3. the number of [individuals] *persons* transferred to the custody of federal immigration authorities pursuant to civil immigration detainers;

4. the number of [individuals] *persons* transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had at least one [felony] conviction *for a violent or serious crime*;

[5. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had at least one misdemeanor conviction but no felony convictions;

6. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions;

7. the number of individuals transferred to the custody of federal immigration authorities

pursuant to civil immigration detainers subsequent to the dismissal of the criminal case that brought the individual into the department's custody;

8. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and had an outstanding warrant of removal issued pursuant to 8 C.F.R. 241.2; or had previously been subject to a final order of removal pursuant to 8 C.F.R. 1241.1.

9. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were identified as known gang members in the database of the national crime information center or a successor database maintained by the United States;]

[10] 5. the number of [individuals] *persons* transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no [misdemeanor or felony] convictions *for a violent or serious crime* and were identified as possible matches in the terrorist screening database;

[11. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were identified as both possible matches in the terrorist screening database and known gang members in the database of the national crime information center or a successor database maintained by the United States;

12. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were defendants in a pending criminal case;

13. the number of individuals transferred to the custody of federal immigration authorities

pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were charged with a felony or felonies in a pending covered criminal case;

14. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were charged solely with a misdemeanor or misdemeanors in a pending covered criminal case;]

[15] 6. the amount of state criminal alien assistance funding requested and received from the federal government;

[16] 7. the number of [individuals] *persons* for whom civil immigration detainers were not honored pursuant to subdivision b of this section; and

[17] 8. the number of [individuals] *persons* held pursuant to civil immigration detainers beyond the time when such [individuals] *persons* would otherwise have been released from the department's custody who were not transferred to the custody of federal immigration authorities either because of the expiration of the forty-eight-hour hold period provided in 8 C.F.R. § 287.7 or because federal immigration authorities disavowed an intention to assume custody.

§ 4. Section 9-131 of the administrative code of the city of New York, as amended by local law number 22 for the year 2013, is amended by adding a new subdivision h to read as follows:

h. Use of city land or facilities by federal immigration authorities and access to persons in custody. 1. Department personnel shall not expend time while on duty or department resources of any kind disclosing information that belongs to the department and is available to them only in their official capacity, in response to federal immigration inquiries or in communicating with federal immigration authorities regarding any person's incarceration status, release dates, court appearance dates, or any other information related to persons in the department's custody, other than information related to a person's citizenship or immigration status, unless such response or

communication:

(i) relates to a person convicted of a violent or serious crime or identified as a possible match in the terrorist screening database;

(ii) is unrelated to the enforcement of civil immigration laws; or

(iii) is otherwise required by law.

2. Federal immigration authorities shall not be permitted to maintain an office or quarters on land over which the department exercises jurisdiction, for the purpose of investigating possible violations of civil immigration law; provided, however, that the mayor may, by executive order, authorize federal immigration authorities to maintain an office or quarters on such land for purposes unrelated to the enforcement of civil immigration laws.

§5. Severability. If any provision of this local law shall be adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the provision directly involved in the controversy in which such judgment shall have been rendered.

§6. Sections 1, 2, 3 and 5 of this local law shall take effect 30 days after it shall have become a law, except that the commissioner of correction shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

§7. Section 4 of this local law shall take effect 90 days after it shall have become a law, except that the commissioner of correction shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 22, 2014 and approved by the Mayor on November 14, 2014.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 58 of 2014, Council Int. No. 486-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

FOR OFFICIAL USE ONLY

Meeting with Council Speaker Melissa Mark-Viverito
April 2, 2015
New York City Hall

(b)(5)



(b)(5)



1

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

(b)(5)



FOR OFFICIAL USE ONLY

2

(b)(5)



(b)(5)



MEETING WITH COUNCIL SPEAKER VIVERITO
Talking Points

- Thank the Council Speaker for taking time from her busy schedule to meet on the subject of the President's Executive Actions on Immigration, and specifically the new Priority Enforcement Program. Recognize the Speaker's leadership in the area of immigration reform at the local level.
- Note that the President sees his executive actions as only the first in a series of steps toward comprehensive immigration reform by Congress.
- State that the Executive Actions will help better protect jurisdictions like New York City by encouraging community cooperation with police. Cooperation between police and community members is a cornerstone of law enforcement.
- Explain that the purpose of the Priority Enforcement Program is to remove those individuals who present the greatest threat to the Nation and the local communities.
- Highlight that your policies prioritize resources by focusing on felons, gang members, threats to national security and other high priority targets.
- Remind the Speaker that the Executive Actions are an exercise of prosecutorial discretion during a time of limited resources – and that there is never enough money, personnel, and other resources to go after all violators. And emphasize that every police department and every prosecutor responds in the same way – by prioritizing violations.
- Close by reiterating your commitment to partnering with the Council and New York City officials on the implementation of the President's Executive Actions, and particularly the PEP program.

**COUNCIL SPEAKER MELISSA MARK-VIVERITO's PUBLIC STATEMENTS ON
EXECUTIVE ACTIONS & ICE DETAINERS**

- **November 14, 2014** – Upon passage of her proposed legislation that now prevents the New York Police Department and the Department of Corrections from honoring detainer requests from ICE unless the immigrant is the subject of a warrant issued by a federal judge, Speaker Mark-Viverito stated, “This is an important moment for our city’s immigrant community. This bill sends a strong message that while our nation’s leaders have dragged their feet on immigration reform - New York City can and will lead. No longer will a person be unnecessarily sent through senseless immigration red tape under this new law.”

<http://www1.nyc.gov/office-of-the-mayor/news/520-14/mayor-bill-de-blasio-signs-law-bills-dramatically-reduce-new-york-city-s-cooperation-with>

- **October 2, 2014** – Speaker Mark-Viverito’s press office issued a press release in which the Speaker stated, “We cannot allow for immigrant families looking for a better life for themselves and their children to be needlessly torn apart because of gaps in our laws. As I’ve said before – if congress won’t act, then we must...”

<http://council.nyc.gov/html/pr/100214ic.shtml>

- **October 2, 2014** – Referring to the Council’s proposed detainer legislation, the Speaker stated, “By further limiting ICE’s role in the detention and deportation of immigrant New Yorkers, we set the national standard for the treatment of our immigrant population. Families will no longer be needlessly torn apart by ICE’s dragnet enforcement efforts.” Mark-Viverito also stated that “The bill is necessary to lessen New York City’s role in a dysfunctional national immigration system that ensnares illegal immigrants in deportation proceedings because of minor offense.”

<http://www.nydailynews.com/blogs/dailypolitics/melissa-mark-viverito-proposes-bill-stop-city-detaining-immigrants-blog-entry-1.1960423>

- **March 24, 2015** – During an interview with the Latin Post, City Council Speaker Mark-Viverito stated, “We’ve...passed legislation to limit the cooperation of city employees with ICE in terms of honoring detainers and that’s really critical because a detainer is basically the first step in a deportation proceeding...Other cities are also looking to emulate what we’ve done here in New York. We’re setting an example and making a strong statement.”

<http://www.latinpost.com/articles/44055/20150324/turnout-new-york-city-council-speaker-melissa-mark-viverito-latino-voters-immigration-congress.htm>

COUNCIL SPEAKER MELISSA MARK-VIVERITO



Melissa Mark-Viverito currently services as the Speaker of the New York City Council, the first Puerto Rican and Latina to hold citywide elected position. She represents the 8th District, which includes El Barrio/East Harlem and the South Bronx.

Speaker Mark-Viverito was born and raised in San Juan, Puerto Rico. She worked for over a decade in local activism, nonprofit organizations and labor before being elected to the City Council in 2005, as the first Puerto Rican woman and Latina to represent her district in the Council.

In 2009, she was elected to her second term in the City Council, during which she served as Chair of the Committee on Parks and Recreation, the founding Co-Chair of the Progressive Caucus and as a member of the Black, Latino and Asian Caucus. In 2011, she was one of four Council Members to pioneer the first-ever Participatory Budgeting process in New York City.

She is a graduate of Columbia College at Columbia University and Baruch College, City University of New York, where she studied Public Administration through the National Urban Fellows Program.

FOR OFFICIAL USE ONLY

Meeting with Mayor de Blasio
April 3, 2015
New York City Hall

(b)(5)

(b)(5)

1

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

(b)(5)



FOR OFFICIAL USE ONLY

(b)(5)



FOR OFFICIAL USE ONLY

(b)(5)



MEETING WITH MAYOR DE BLASIO
Talking Points

- Thank the Mayor for taking time out of his busy schedule to meet on the subject of the President's Executive Actions on Immigration, and specifically the new Priority Enforcement Program. Recognize the Mayor's strong leadership in the area of immigration reform at the local level, and particularly his efforts on behalf of the Cities United for Immigration Action coalition.
- Note that the President sees his executive actions as only the first in a series of steps toward comprehensive immigration reform by Congress.
- State that the Executive Actions will help better protect jurisdictions like New York City by encouraging community cooperation with police. Cooperation between police and community members is a cornerstone of law enforcement.
- Explain that the purpose of the Priority Enforcement Program is to remove those individuals who present the greatest threat to the Nation and the local communities.
- Highlight that your policies prioritize resources by focusing on felons, gang members, threats to national security and other high priority targets.
- Remind the Mayor that the Executive Actions are an exercise of prosecutorial discretion during a time of limited resources – and that there is never enough money, personnel, and other resources to go after all violators. And emphasize that every police department and every prosecutor responds in the same way – by prioritizing violations.
- Close by reiterating your commitment to partnering with the Mayor and other New York City officials on the implementation of the President's Executive Actions, and particularly the PEP program.

MAYOR de BLASIO'S PUBLIC STATEMENTS ON EXECUTIVE ACTIONS & ICE DETAINERS

- **December 2014** – Following his signature of the City's new anti-detainer legislation, Mayor de Blasio said, "When one city acts, then another city acts, then the state acts, then another state acts—slowly but surely, it becomes national policy—it becomes irresistible. Unfortunately, if we once again see the Congress unwilling, more and more localities will lead the way until one day that becomes the norm, and that becomes the tipping point." The Mayor also stated that "mass deportation has not only pulled apart thousands of New York City families, it has also undermined public safety in our communities and imposed disproportionate penalties on immigrant parents and spouses who these families depend on for emotional and financial support. Our City is not served when New Yorkers with strong ties in the community are afraid to engage with law enforcement because they fear deportation. Today, we send another message to Washington that the time to act has come to provide relief to so many individuals who contribute to our nation's growth."

<http://observer.com/2014/12/amid-washington-gridlock-cities-look-to-tackle-big-issues-on-their-own/>

- **November 2014** - During a public hearing at City Hall on the two Council bills that ultimately established significant protections for the city's undocumented immigrants, Mayor de Blasio testified that the legislation "...will prevent undocumented immigrants who pose no harm from further civil immigration penalties. The bill strikes the appropriate balance between public safety and protecting the rights of our fellow New Yorkers who are immigrants."

<http://www.capitalnewyork.com/article/city-hall/2014/11/8556171/de-blasio-holds-public-hearing-two-ice-bills>

- **August 2014** - Mayor de Blasio, a vocal supporter of comprehensive immigration reform, publicly stated that "In the absence of federal action, municipalities must take the lead in improving the lives of immigrant families. We have expressed concerns about the NYPD-ICE collaboration, and made it very clear that we are revising the policy with the precise goal of reducing unfair deportations."

<http://www.thenation.com/article/181303/response-new-york-city-partnering-ice-rip-apart-immigrant-communities#>

Bill de Blasio (D) - Mayor, New York City, NY



Bill de Blasio was elected Mayor of New York City in 2013. Bill De Blasio began his work in New York City government as an aide to Mayor David Dinkins. During the Clinton Administration, he was appointed Regional Director for the U.S. Department of Housing and Urban Development, where he served under former Secretary Andrew Cuomo to expand affordable housing for New Yorkers. In 1999, de Blasio was elected to the School Board for District 15 in Brooklyn. In 2000, he managed Hillary Rodham Clinton's successful campaign for U.S. Senate.

In 2001, de Blasio joined the New York City Council where he represented District 39 in Brooklyn for eight years. As a member of the New York City Council, de Blasio helped secure more than \$100 million in funding for early education programs, and wrote landmark tenants' rights legislation to protect affordable housing and end landlord discrimination.

In November 2009, de Blasio was elected as the City's third Public Advocate. As Public Advocate, de Blasio has been a force for greater accountability and transparency in City government. From highlighting problems with water bills to fighting red tape and excessive small businesses fines, de Blasio has fought to protect taxpayer dollars and streamline government operations to better serve New Yorkers. De Blasio has also been a strong advocate for improved police and community relations, fighting against the city's excessive use of stop-and-frisk tactics.

De Blasio holds a Bachelor's degree from New York University and a Masters in International and Public Affairs from Columbia University.

DRAFT // DELIBERATIVE
ATTORNEY-CLIENT PRIVILEGE

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

(b)(5)

DATE: [CRCL DRAFT 42/232/25/2014]

MEMORANDUM FOR: All ICE and CRCL Personnel

Megan H. Mack
Officer for Civil Rights and Civil Liberties
Department of Homeland Security

(b)(5)

SUBJECT: Protocol for Priority Enforcement Program Complaints and
Concerns Involving State or Local Law Enforcement Agencies

(b)(5)

DRAFT

(b)(5)



(b)(5)



DRAFT

(b)(5)



(b)(5)

DRAFT S1 Letter to Jurisdictions on PEP

Date

Inside Address

Dear X:

(b)(5)

Page 2 of 4

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 3 of 4

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 4 of 4

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

From:	(b)(6)
To:	"Mack, Megan (b)(6) (b)(6)
Subject:	Fw: Executive Immigration Review
Date:	2014/12/08 20:52:06
Type:	Note

There's sort of a mismatch between the bureaucratise and what we need to do.

(b)(6)

(b)(6)

From: Metzler, Alan
Sent: Monday, December 08, 2014 08:22 PM
To: (b)(6)
Cc: (b)(6) Olavarria, Esther; (b)(6) Hoy, Serena
Subject: Executive Immigration Review

(b)(6) as you can ascertain from p2 and p3 from this agenda, each tasked component needs to build an implementation plan showing the essential steps and the time sequencing leading to timely implementation of the tasked action in the Secretary's directives from Nov 20th (extract below).

This Wednesday is not a realistic deadline for a CRCL plan. Still, to move this expeditiously, S2 asked that you collaborate with ICE to develop a plan to move forward in the near term, with the understanding that you must have an initial capability in place by Jan 5, 2014.

(b)(6) in OGC is our primary POC. Recommend engaging Phil Miller in ICE.

Can you have the major concepts of a plan in place by the 16th, with milestones identified? We would like to include your office on the update to S2 next week (Wed, Dec 17).

Thanks much, Alan

Extract from Secure Communities memo (11/20/14):

"Nothing in this memorandum shall prevent ICE from seeking the transfer of an alien from a state or local law enforcement agency when ICE has otherwise determined that the alien is a priority under the November 20, 2014 Policies for the Apprehension, Detention and Removal of Undocumented Immigrants Memorandum and the state or locality agrees to cooperate with such transfer. ***DHS will monitor these activities at the state and local level, including through the collection and analysis of data, to detect inappropriate use to support or engage in biased policing, and will establish effective remedial measures to stop any such misuses. I direct the Office of Civil Rights and Civil Liberties to develop and implement a plan to monitor state and local law enforcement agencies participating in such transfers.***"

-----Original Message-----

From: (b)(6)
Sent: Monday, December 08, 2014 5:19 PM
To: Metzler, Alan
Cc: (b)(6)
Subject: Wednesday meetings

Thank you, Alan, for getting us on all these. Now that I see that there's one this Wednesday as well - not just the 16th - I realized I need some clarity on the timeline for a PEP statistics plan. I am not sure how we can have a plan the 10th if we haven't seen the ConOps yet. Can you help me define what you're expecting us to have this Wednesday? By the following week I would certainly expect we can have much more.

Much appreciated,

(b)(6)

Senior Advisor & Acting Section Lead, Immigration Section Office for Civil Rights & Civil Liberties Department of Homeland Security

202-357-(b)(6) (o)

202-604-(b)(6) (c)

(b)(6)

Sender:	(b)(6)
Recipient:	"Mack, Megan (b)(6) (b)(6)
Sent Date:	2014/12/08 20:52:05
Delivered Date:	2014/12/08 20:52:06

From:	(b)(6)
To:	(b)(6)
	"Mack, Megan (b)(6)
	(b)(6)
CC:	(b)(6)
Subject:	FW: FW: ***EXPEDITED CLEARANCE***: [Reschedule] S2BB - 03.10.15 - Meeting re PEP Monitoring (Due: 03.06.15 NLT 1600)
Date:	2015/03/06 18:56:59
Priority:	Normal
Type:	Note

Please see comments from ICE.

Sincerely,

(b)(6)

CRCL ExecSec

CRCL/DHS

(202) 357 (b)(6) ofc | (202) 604 (b)(6) mobile

From: (b)(6)
Sent: Friday, March 06, 2015 6:55 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FW: ***EXPEDITED CLEARANCE***: [Reschedule] S2BB - 03.10.15 - Meeting re PEP Monitoring (Due: 03.06.15 NLT 1600)

Good evening,

ICE clears the attached document, with edits. This response has been approved by Chief of Staff

(b)(6)

Regards

(b)(6)

Office of the Director

U.S. Immigration and Customs Enforcement

Desk: 202.732 (b)(6)

Mobile: 202.903 (b)(6)

From: (b)(6) **On Behalf Of** CRCL Exec Sec
Sent: Friday, March 06, 2015 11:48 AM
To: Plcy Exec Sec; OGC Exec Sec; MGMTExecSec; I&A Exec Sec; ICE Exec Sec; PRIV Exec Sec; (b)(6)
Cc: (b)(6)
Subject: ***EXPEDITED CLEARANCE***: [Reschedule] S2BB - 03.10.15 - Meeting re PEP Monitoring (Due: 03.06.15 NLT 1600)

Required Coordinators:

CRCL requests your URGENT review/clearance of the attached products for this meeting. We request your clearance NLT 4 PM today (no extensions will be granted) as the meeting has been rescheduled for Monday, March 9th and is currently past due.

For questions, please contact CRCL ExecSec.

Sincerely,

(b)(6)

CRCL ExecSec

CRCL/DHS

(202) 357-(b)(6) bfc | (202) 604-(b)(6) mobile

From: (b)(6)
Sent: Tuesday, March 03, 2015 2:32 PM
To: (b)(6) CRCL Exec Sec
Cc: BriefingStaffA; (b)(6) OGC Exec Sec; (b)(6)
(b)(6) Plcy Exec Sec; Plcy Exec Sec; (b)(6)
(b)(6) I&A Exec Sec; (b)(6) MGMTExecSec; (b)(6)
ICE Exec Sec; (b)(6) PRIV Exec Sec; (b)(6)
Subject: [Reschedule] S2BB - 03.10.15 - Meeting re PEP Monitoring (Due: 03.05.15 1700)

Please see new date and due date.

Meeting Date: **March 10, 2015**

Due Date: **March 5, 2015 1700**

From: (b)(6)
Sent: Tuesday, March 03, 2015 12:59 PM
To: (b)(6) CRCL Exec Sec
Cc: BriefingStaffA; (b)(6) OGC Exec Sec; (b)(6)
(b)(6) Plcy Exec Sec; Plcy Exec Sec; (b)(6)
(b)(6) I&A Exec Sec; (b)(6) MGMTExecSec; (b)(6)
ICE Exec Sec; (b)(6) PRIV Exec Sec; (b)(6)
Subject: [Urgent] S2BB - 03.04.15 - Meeting re PEP Monitoring (Due: Today 1600)
Importance: High

Please note there have been minor changes to the template. All materials must be formatted to comply with the attached current templates. Talking points are required for all external meetings and will be drafted by the lead component. As a result of new clearance requirements from the front office, all briefing materials are now due at 1700 three business days prior to the tasked event.

If you have any questions about this meeting/event please contact the Front Office staff member listed as required coordination.

Event Date	Wednesday, 03.10.15 (1345-1415)
Event Name	Meeting re PEP Monitoring

Lead Component	CRCL
Required Coordination	PLCY, OGC, MGMT, I&A, ICE, PRIV, (b)(6)
Product	Briefing Memo
Notes	<p><u>Details</u></p> <p>Attendees: S2 Serena Hoy Megan Mack Alan Metzler Location: S2's Office</p> <p>OGC Coordination: OGC coordination is essential. Please ensure that briefing materials have been fully coordinated with OGC. Lead components are now required to coordinate with their Component Counsel and identify in their OGC submission of briefing materials, who in their component counsel office reviewed and cleared.</p> <p>Meeting Classification: Please include bullet in background section of briefing memorandum if the meeting or any of the briefing materials are classified. (i.e., "This meeting [or any of the briefing materials] are classified").</p> <p>Please note that all materials being shown to the Secretary must be passed through Exec Sec first. Please do not bring anything to the meeting ES has not seen (classified or unclassified) without prior approval. If a presentation is to be made, Lead Component is responsible for providing an appropriate number of handouts at the meeting. (15 if the meeting takes place in Rm. 5110D; 25 if in Rm. 5107.)</p>
Due	Thursday, 03.05.15 (1700)

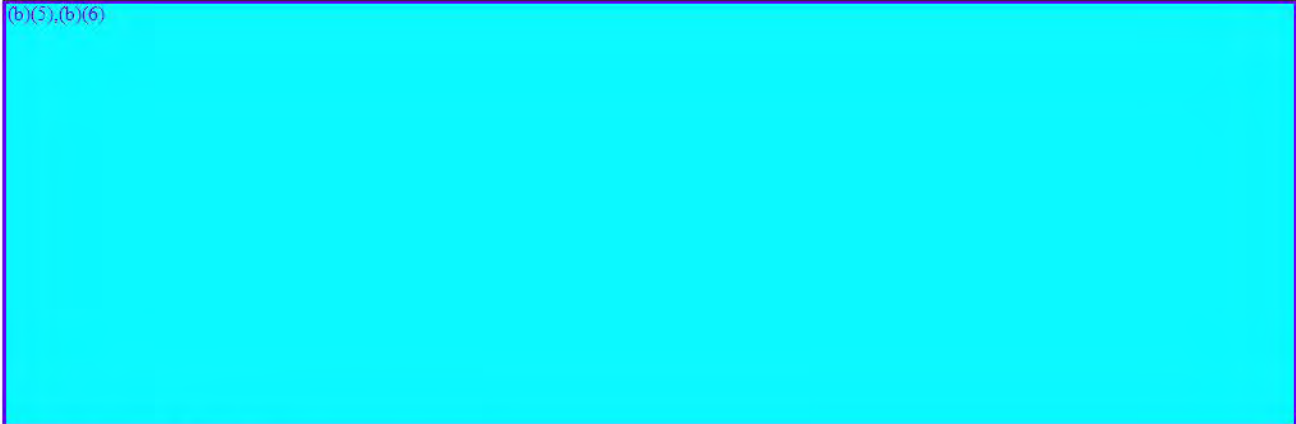
DHS Briefing Book Standards and Procedures (including links to template and example) are located on the DHS intranet at: (b)(7)(E)

Sender:	(b)(6)
Recipient:	(b)(6)
	"Mack, Megan (b)(6)
	(b)(6)
Sent Date:	2015/03/06 18:56:58
Delivered Date:	2015/03/06 18:56:59

Cc: Olavarria, Esther; Shahoulian, David
Subject: RE: ICE EA FAQs (DHS-Approved 12-30-14) (2) (2)

Riah – sending this back with very minor changes:

(b)(5),(b)(6)

A large rectangular area of the document is redacted with a solid black fill. The redaction covers the majority of the page's content.

From: Hoy, Serena
Sent: Tuesday, April 21, 2015 10:26 PM
To: Ramlogan, Riah
Cc: Olavarria, Esther
Subject: RE: ICE EA FAQs (DHS-Approved 12-30-14) (2) (2)

Thanks for the very quick review, Riah. We'll consult and get back to you shortly. Sorry for the late

(b)(5)

A large rectangular area of the document is redacted with a solid black fill. The redaction covers the majority of the page's content.

From: Ramlogan, Riah (b)(6)
Sent: Tuesday, April 21, 2015 5:10 PM
To: Hoy, Serena

Cc: Olavarria, Esther
Subject: RE: ICE EA FAQs (DHS-Approved 12-30-14) (2) (2)

See attached. Not too many changes.

From: Hoy, Serena
Sent: Tuesday, April 21, 2015 10:12 AM
To: Ramlogan, Riah
Cc: Olavarria, Esther
Subject: RE: ICE EA FAQs (DHS-Approved 12-30-14) (2) (2)

Forgot to make one change. Please use this one. thanks!

From: Hoy, Serena
Sent: Tuesday, April 21, 2015 10:09 AM
To: 'Ramlogan, Riah'
Cc: Olavarria, Esther (b)(6)
Subject: ICE EA FAQs (DHS-Approved 12-30-14) (2) (2)

Riah – attached is a proposed set of external FAQs. We started with the internal FAQs approved a few months ago, deleted some of them that aren't appropriate for external facing FAQs, and have included a few new ones (which presumably should be included in the internal FAQs also once you're okay with the language), (b)(5) Please review and let us know what you think. (b)(5)

(b)(5)

Thanks
Serena

Sender:	(b)(6)
Recipient:	"Mack, Megan" (b)(6) (b)(6)
Sent Date:	2015/04/29 11:17:10
Delivered Date:	2015/04/29 11:17:00

**EXTERNAL DHS/ICE FREQUENTLY ASKED QUESTIONS RELATING TO
EXECUTIVE ACTION ON IMMIGRATION**

(b)(5)



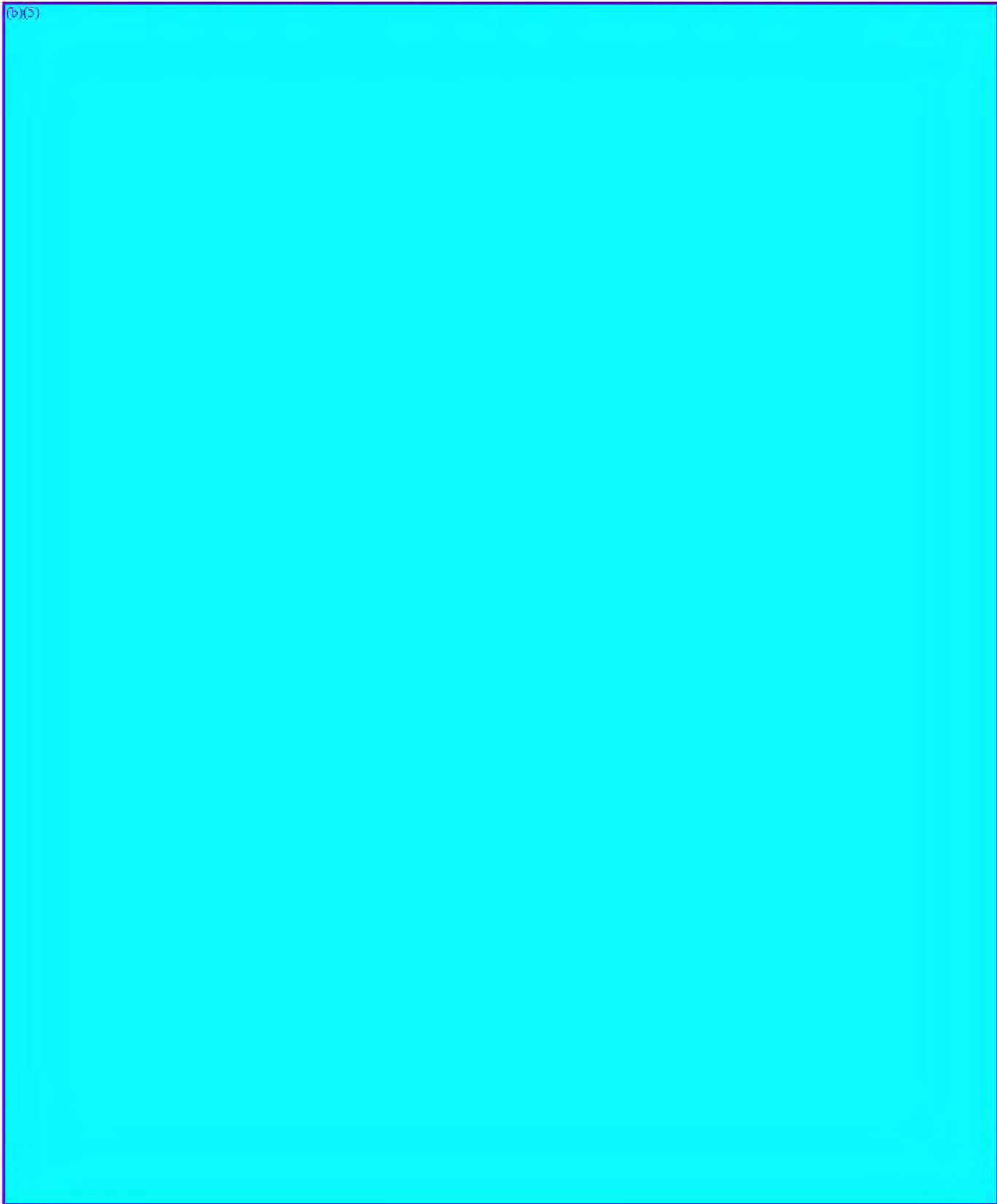
(b)(5)



(b)(5)



(b)(5)



(b)(5)



(b)(5)



(b)(5)



**EXTERNAL DHS/ICE FREQUENTLY ASKED QUESTIONS/FAQS RELATING TO
EXECUTIVE ACTION ON IMMIGRATION**

(b)(5)



(b)(5)



(b)(5)



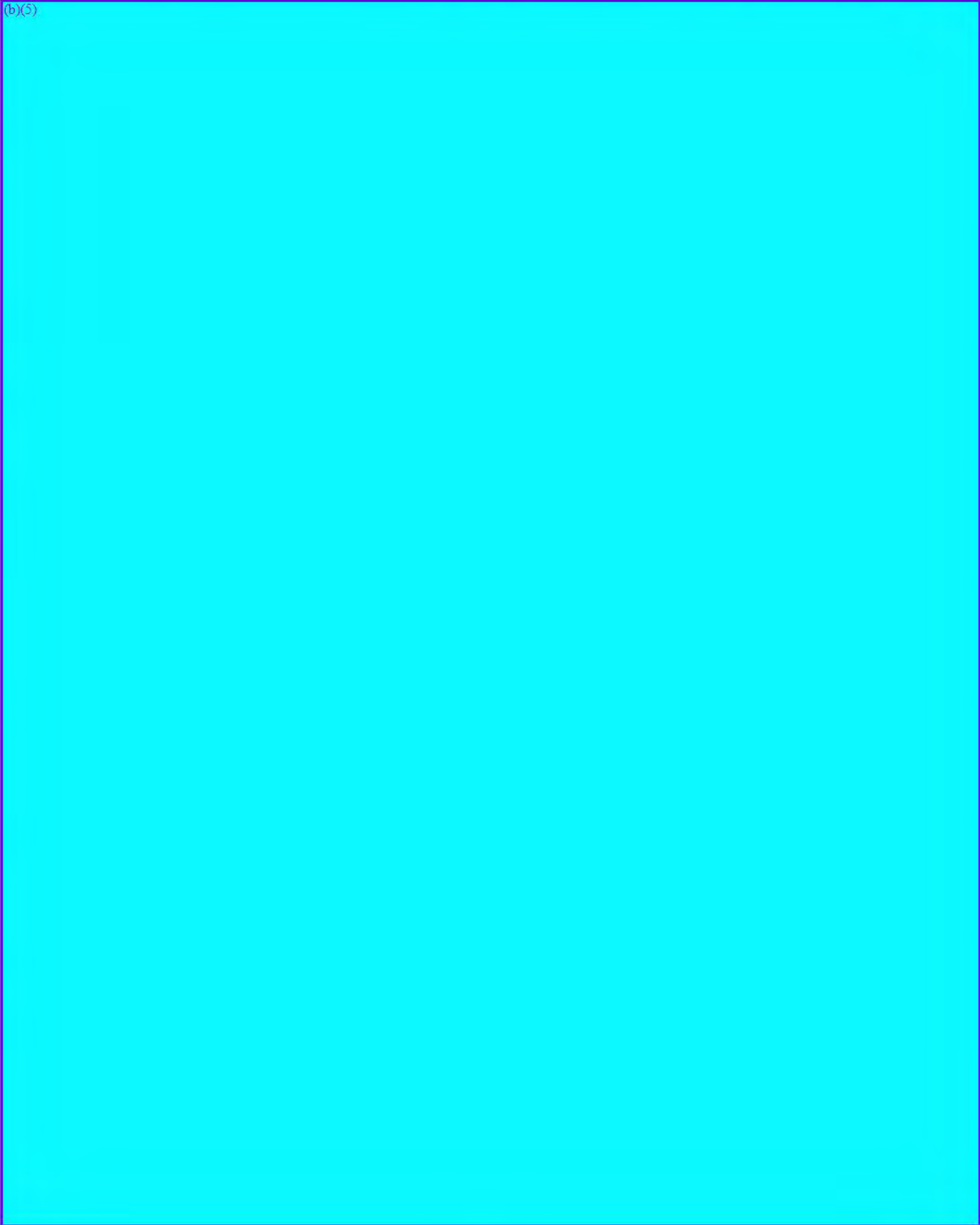
(b)(5)



(b)(5)



(b)(5)



(b)(5)



Page 1 of 3

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 2 of 3

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 3 of 3

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

From:	(b)(6)
To:	(b)(6)
Subject:	FW: ICE-CRCL jail transfers protocol memo
Date:	2015/04/02 16:29:20
Priority:	Normal
Type:	Note

Are you available to talk to Tim? I feel like you would do a better job on this than I would.

From: Robbins, Timothy S (b)(6)
Sent: Thursday, April 02, 2015 4:27 PM
To: Kessler, Tamara; (b)(6) Rapp, Marc A; Albence, Matthew
Cc: (b)(6) Homan, Thomas
Subject: RE: ICE-CRCL jail transfers protocol memo

Hi Tamara, yes I think it's a good idea that we talk before the meeting tomorrow. I am walking off an airplane now and can give you a call what would be the best number to reach you at?

From: Kessler, Tamara
Sent: Thursday, April 02, 2015 4:25:36 PM
To: Robbins, Timothy S; (b)(6) Rapp, Marc A; Albence, Matthew
Cc: (b)(6) Homan, Thomas
Subject: RE: ICE-CRCL jail transfers protocol memo

Hi Tim, Are we able to talk before the WH meeting tomorrow? Alan Metzler is asking that we reach a consensus on the remaining issues. Thanks

From: Kessler, Tamara
Sent: Tuesday, March 31, 2015 10:47 AM
To: Robbins, Timothy S; (b)(6) Rapp, Marc A; Albence, Matthew
Cc: (b)(6) Homan, Thomas
Subject: RE: ICE-CRCL jail transfers protocol memo

Thanks, Tim. I'm attaching a document reflecting issues that I think we need to discuss. Could you take a look and let me know what you think and when we might be able to talk them through? Tamara

From: Robbins, Timothy S (b)(6)
Sent: Friday, March 27, 2015 6:39 PM
To: Kessler, Tamara; (b)(6) Rapp, Marc A; Albence, Matthew
Cc: (b)(6) Homan, Thomas
Subject: RE: ICE-CRCL jail transfers protocol memo

Tamara, the attached contains our edits via track changes. Maybe we can touch base on Monday and try to get close to a final document that we could vet through senior leadership.

From: Kessler, Tamara
Sent: Thursday, March 26, 2015 4:17:59 PM
To: (b)(6) Robbins, Timothy S; Rapp, Marc A; Albence, Matthew
Cc: (b)(6)
Subject: Re: ICE-CRCL jail transfers protocol memo

Hi Tim et al, I was hoping that, given the postponement of the WH meeting until Friday, we might have an agreed upon draft of this document to present. Any chance we can work together on getting there this week? Thanks. Tamara

From: (b)(6)
Sent: Tuesday, March 24, 2015 09:43 PM
To: Robbins, Timothy S; Rapp, Marc A; Albence, Matthew
Cc: Kessler, Tamara; (b)(6)
Subject: ICE-CRCL jail transfers protocol memo

Tim, Marc, Matt,

Attached please find CRCL's substantially rewritten proposal for a joint protocol for fulfilling CRCL's charge to monitor post-PEP jail transfers. This document is much shorter and, we think, straightforward than the prior draft. We look forward to hearing your reactions.

We are still working on an accompanying FAQ. I also received a request today from Assistant Secretary Fong for some talking points on the monitoring effort, to be used in her outreach with LEAs. We'll work with you on those but it would be helpful to know if you think (b)(5)

(b)(6)

Senior Advisor & Acting Team Lead, Immigration Section
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(202) 357- (b)(6) (o)

(202) 604- (b)(6) (c)

(b)(6)

Sender:	(b)(6)	
Recipient:	(b)(6)	

*Community Safety for the Nation's
Citizens, Immigrants, and Visitors*

Sender:	(b)(6)	
Recipient:		
Sent Date:	2015/01/21 10:42:50	
Delivered Date:	2015/01/21 10:42:52	

Page 1 of 1

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 1 of 3

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 2 of 3

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 3 of 3

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 1 of 4

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 2 of 4

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 3 of 4

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 4 of 4

Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

Page 1 of 2

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 2 of 2

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

From:	(b)(6)
To:	"Mack, Megan (b)(6) (b)(6)
Subject:	FW: PEP Announcement Tic-Toc 6-01-15 v1
Date:	2015/06/02 10:20:00
Priority:	Normal
Type:	Note

Here's the rollout plan for PEP. It's undated but could be in about a week.

From: (b)(6)
Sent: Monday, June 1, 2015 5:47 PM
To: (b)(6)
(b)(6)

Subject: PEP Announcement Tic-Toc 6-01-15 v1

Good evening,

Per our discussion during today's call, attached is the most updated Tick Tock for your review. Changes are red-lined for ease of review.

V/r,

(b)(6)

(b)(6)

Office of the Secretary
U.S. Department of Homeland Security

202.282 (b)(6) (desk)

202.309 (bb)

(b)(6)

Sender:	(b)(6)
Recipient:	""Mack, Megan (b)(6) (b)(6)
Sent Date:	2015/06/02 10:20:14
Delivered Date:	2015/06/02 10:20:00

DHS PEP Soft-Rollout Timeline (As of May 27, 2015)

(b)(5)



(b)(5)



DRAFT. DELIBERATIVE. PRE-DECISIONAL.

(b)(5)



DRAFT. DELIBERATIVE. PRE-DECISIONAL.

(b)(5)



From:	(b)(6)
To:	"Mack, Megan (b)(6) (b)(6)
Subject:	FW: PEP Implementation Documents
Date:	2015/05/29 19:15:50
Type:	Note

From: (b)(6)
Sent: Friday, May 29, 2015 06:23 PM
(b)(6)

Subject: PEP Implementation Documents

Good evening,

Attached please find the full package of PEP documents, as well as the ICE Enforcement Priority FAQs in their most updated form. Please note that these documents are not final until we resolve a few remaining items in the Instruction and receive the Secretary's sign-off, which we anticipate to occur Monday COB. Serena, Alan and I will do a final scrub this weekend to ensure consistency. For those of you also looking to join the weekend fun, we welcome your last minute edits and catches. Please submit any final edits to me directly.

TAB	TITLE	STATUS
1	PEP	(b)(6)

- 2 **Announcement** (b)(5)
- Tick Tock**
- Policy**
- Documents** **Complete in final form.**
 - I-247 N **Complete in final form.**
 - I-247 D With S1 for approval.
 - Enforcement
- Priority**
- Instruction**

- 3 **PEP**
- Implementation** **Complete in final form.**
- Toolkit** *Not included in package; awaiting final edits from ICE.*
 - FOD Talking **Complete in final form.**
- Points**
- *PEP Side-by-Side Brochure*
- Media Talking
- Points/FAQ**

- 4 **Training**
- Materials** Received 5/29 COB; updated version available Monday.
 - ICE Training **USBP Slides complete in final form**, will circulate final version Monday.
 - CBP Training OFO Slides awaiting final revisions; will circulate final version Monday.
- Slides**
- Slides**

- 5 **Rollout**
- Materials** *Hold for official rollout.*
 - News Release

Have a wonderful weekend!

(b)(6)

Office of the Secretary
 U.S. Department of Homeland Security
 202.282 (b)(6) (desk)
 202.309 (bb)

(b)(6)

Sender	(b)(6)
Recipient:	"Mack, Megan (b)(6) (b)(6)

(b)(6)

Sent Date: 2015/05/29 19:15:50

News Release



**U.S. Immigration
and Customs
Enforcement**

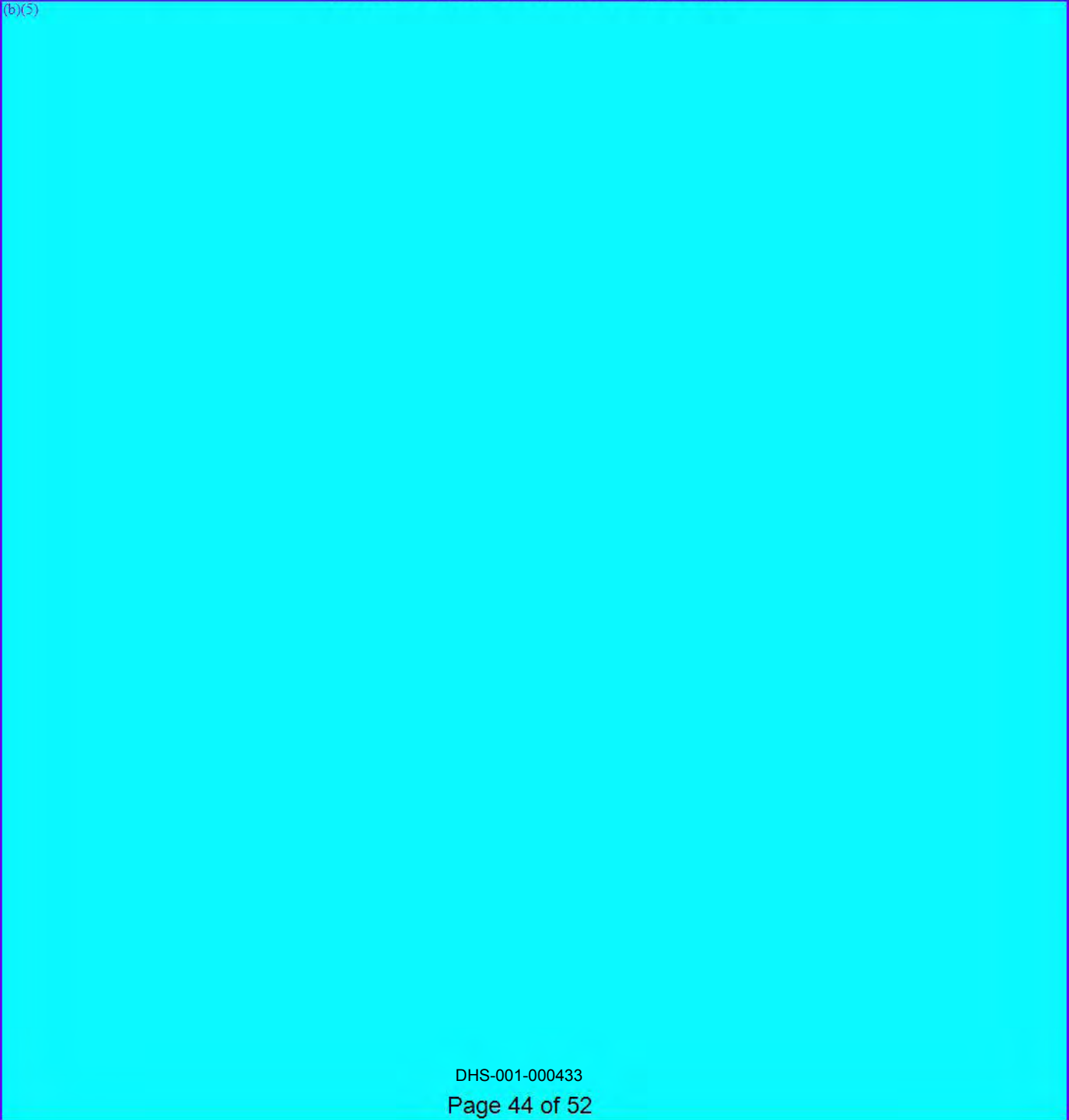
May XX, 2015

Contact: ICE Public Affairs
202-732-4242

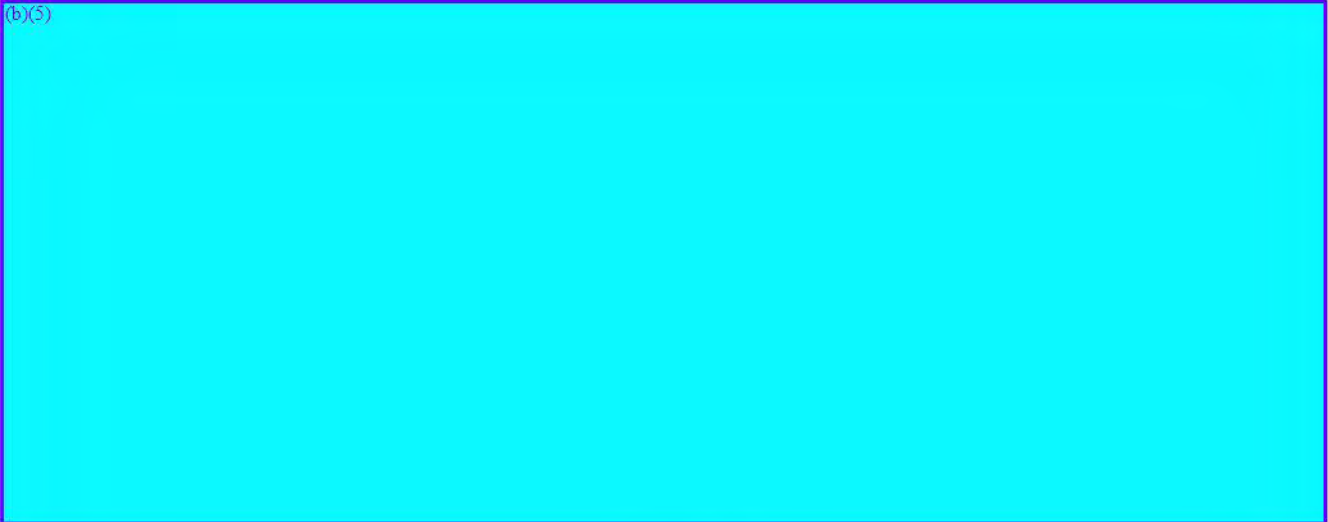
DHS rolls out new Priority Enforcement Program (PEP)

PEP to target removable individuals with significant criminal convictions, designed to allay jurisdictions' previous concerns about Secure Communities

(b)(5)



(b)(5)



ICE



April 8, 2015

MEMORANDUM FOR THE DEPUTY SECRETARY

FROM: Megan H. Mack
Officer for Civil Rights and Civil Liberties

SUBJECT: **Monitoring and Addressing Civil Rights Concerns Arising from PEP and Other Transfers from State and Local Law Enforcement Custody**

Purpose: To update you on the status of and present differences among positions taken by CRCL and ICE with respect to monitoring and addressing civil rights concerns arising from Priority Enforcement Program (PEP) and other transfers from state and local law enforcement custody.

Background: CRCL and ICE have been working to develop a protocol to address the Secretary's charge, in his memorandum "Secure Communities" (November 20, 2014), that "DHS ... monitor [transfer] activities at the state and local level, including through collection and analysis of data, to detect inappropriate use to support or engage in biased policing"; and direction that CRCL "develop and implement a plan to monitor state and local law enforcement agencies participating in such transfers." The protocol would supersede a Secure Communities monitoring protocol issued by CRCL and ICE ERO in 2011. This Memorandum addresses three areas of focus: monitoring for civil rights concerns by state and local law enforcement agencies (LEAs), using statistical monitoring to identify concerns, and remedies for concerns we may find.

In jurisdictions to which PEP is fully deployed, PEP presents fewer risks that bad actors in state or local law enforcement could use federal biometric information-sharing to attempt to manipulate ICE than did Secure Communities. However, jurisdictions interested in more aggressive immigration enforcement among their arrestees than will occur under PEP may attempt to refer those arrestees for general ICE enforcement, under the broader priorities rather than the PEP standard. Whether those arrests may result from discriminatory practices is a substantial civil rights concern recognized by the Secretary in the memorandum creating PEP.

CRCL plans to monitor both PEP and other alien transfers from jails to ICE for signs of local law enforcement profiling or other misconduct. CRCL and ICE have been working on a protocol memorandum to supersede the 2011 joint protocol memorandum. We have reached a decision point regarding ICE facilitation of investigations and articulation of remedies that ICE and CRCL are unable to resolve.

Discussion:

(b)(5)



(b)(5)



(b)(5)



Timeliness: Counselors to the Secretary and Deputy Secretary, CRCL, and ICE are meeting with the White House Deputy Policy Counsel, OMB, Deputy Chief of Staff, and counsel tomorrow, April 9, 2015 to discuss PEP monitoring. The meeting has been postponed once at DHS request.

cc:

Alan Metzler, Senior Counselor to the Secretary
Serena Hoy, Counselor to the Deputy Secretary
Esther Olavarria, Senior Counsel to the Secretary
Thomas Homan, Executive Associate Director, ICE ERO
Timothy Robbins, Deputy Executive Associate Director, ICE ERO
Philip Miller, Assistant Director – Field Operations, ICE ERO
Marc Rapp, Assistant Director – LESA, ICE ERO
Tadgh Smith, Deputy Assistant Director – LESA, ICE ERO

From:	(b)(6)
To:	(b)(6)
Subject:	Fw: PEP monitoring draft memo for S2
Date:	2015/04/09 09:28:31
Importance:	High
Type:	Note

From: Mack, Megan
Sent: Wednesday, April 08, 2015 09:26 PM
To: Metzler, Alan; Olavarria, Esther; Hoy, Serena
Cc: (b)(6)
Subject: Fw: PEP monitoring draft memo for S2

CRCL's draft, per prior email

Megan H. Mack, Officer
Office for Civil Rights and Civil Liberties
Department of Homeland Security

From: Mack, Megan
Sent: Wednesday, April 08, 2015 06:28 PM
To: Homan, Thomas; Miller, Philip T; Smith, Tadgh A; Rapp, Marc A
Cc: Hoy, Serena; (b)(6); Kessler, Tamara
Subject: PEP monitoring draft memo for S2

Tom, Phil, Tadgh and Marc,
Please send me your suggestions tonight if possible, so I may finalize a memorandum tonight to send to Alan, Esther, and Serena to have for the Deputy first thing tomorrow. Tadgh, thanks for your email – I haven't detailed in the attached, but have acknowledged that our work on data is on track.

Please let me know if you won't be able to get to this tonight and I'll acknowledge difficult timing when I transmit.

Thanks very much,
Megan

Sender:	(b)(6)
Recipient:	(b)(6)
Sent Date:	2015/04/09 09:28:31

From:	Mack, Megan (b)(6)
To:	(b)(6)
Subject:	FW: PEP monitoring Protocol memo + MOU path forward
Date:	2015/04/30 01:19:54
Priority:	Normal
Type:	Note

What do you think? (b)(5)

From: McNamara, Phil
Sent: Wednesday, April 29, 2015 11:00 AM
To: Mack, Megan; (b)(6)
Cc: McNamara, Phil; Fong, Heather
Subject: RE: PEP monitoring Protocol memo + MOU path forward

Megan,
Heather and I had the chance to speak about this. We have some concerns (b)(5)

(b)(5)

-- Phil

From: Mack, Megan
Sent: Monday, April 27, 2015 11:13 PM
To: Fong, Heather; McNamara, Phil
Cc: (b)(6)
Subject: FW: PEP monitoring Protocol memo + MOU path forward

Phil, Heather,
The attached Protocol memo draft DOES have a role suggested for your offices, so I am forwarding for your review. I just forwarded to Riah, per the below -- these have not had review outside of CRCL. I understand they may be up for discussion at Wednesday's meeting.

From: Mack, Megan
Sent: Monday, April 27, 2015 11:11 PM
To: Ramlogan, Riah
Cc: Metzler, Alan (b)(6) Kessler, Tamara
Subject: PEP monitoring Protocol memo + MOU path forward

Riah,
Attached are the two memos we spoke of, for your and the Director's review – a new protocol memo, which we have suggested (b)(5) and an internal ICE-CRCL MOU with more information regarding monitoring.

I understand these are up for discussion at Wednesday's EIR meeting, and am copying Alan for that, as well as Tamara Kessler, who will be covering the meeting for me (I'll be on a plane at the new scheduled time).

Best,
Megan

Megan H. Mack
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6) (office)

Sender:	Mack, Megan (b)(6)
Recipient:	(b)(6)
Sent Date:	2015/04/30 01:19:53
Delivered Date:	2015/04/30 01:19:54

FOR OFFICIAL USE ONLY // LAW ENFORCEMENT SENSITIVE

MEMORANDUM OF UNDERSTANDING

Between

U.S. CUSTOMS AND IMMIGRATION ENFORCEMENT

And the

D.H.S. OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Relative to

**CIVIL RIGHTS MONITORING OF STATE AND LOCAL LAW
ENFORCEMENT TRANSFERS OF ARRESTEES
FOR FEDERAL CIVIL IMMIGRATION ENFORCEMENT**

(b)(5)




FOR OFFICIAL USE ONLY // LAW ENFORCEMENT SENSITIVE

(b)(5)



[Signatures]



From:	(b)(6)
To:	(b)(6)
Subject:	FW: PEP protocol memo markup
Date:	2015/03/09 15:00:21
Importance:	High
Priority:	Urgent
Type:	Note

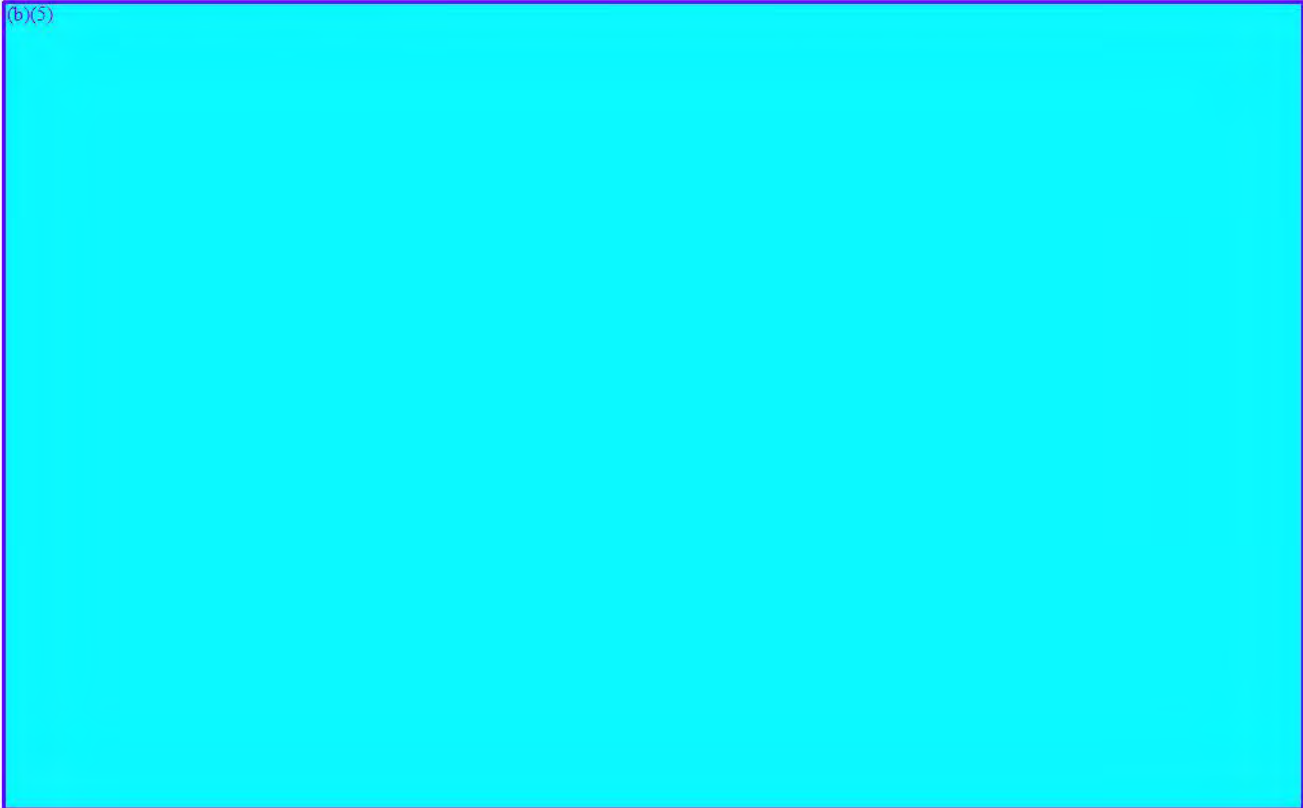
Did you get this?

From: (b)(6)
Sent: Monday, March 09, 2015 1:27 PM
To: (b)(6)
Cc: (b)(6)
Subject: FW: PEP protocol memo markup
Importance: High

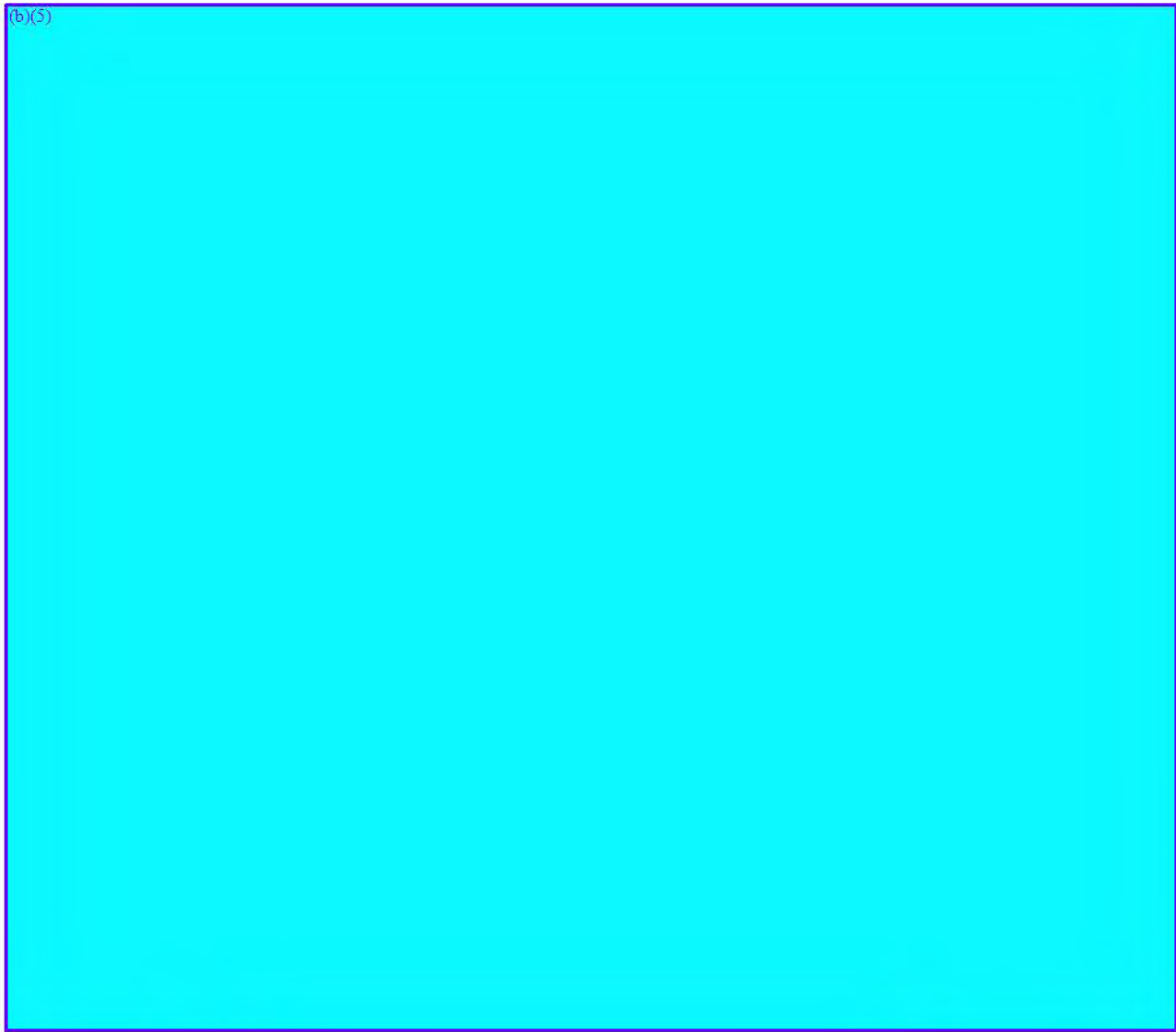
(b)(6)

This memo has me very concerned. I would like to discuss. Below are some general comments and attached is Compliance's mark-up.

(b)(5)



(b)(5)



Sender:	(b)(6)	
Recipient:	(b)(6)	
Sent Date:	2015/03/09 15:00:18	
Delivered Date:	2015/03/09 15:00:21	

DHS PEP Soft-Rollout Timeline

Week of June 8

Ongoing PEP overview briefings to Congress.

Roll-Out Day - Friday, June 12:

10:00 AM **Component Union Notifications**

CBP:

- AFGE (National Border Patrol Council (NBPC))
- NTEU (Customs – Office of Field Operations)

ICE:

- AFGE (National ICE Council - EROs)
- AFGE Local 511 (Professional Union)

10:15 AM **ICE and CBP Workforce Notifications**

10:30 AM **Targeted Congressional Notifications**

E-mail notifications to announce the beginning of employee training. The PEP Brochure and new I-247N/D forms will be attached to the notification e-mail.

- Senate and House Leadership (Boehner/Pelosi/Hoyer and McConnell/Reid)
- Senate Appropriations Committee (HS Sub) (Hoeven/Shahen)
- Senate Judiciary Committee (Grassley/Leahy/Sessions/Schumer)
- Senate Homeland Security & Governmental Affairs Committee (Johnson/Carper)
- House Appropriations Committee (HS Sub) (Carter/Roybal Allard)
- House Judiciary Committee (Goodlatte/Conyers/Gowdy/Lofgren)
- House Homeland Security Committee (McCaul/Thompson/Miller/Vela)
- Individual Members (Staff Level)
 - *Sen. Durbin*
 - *Sen. Menendez*
 - *Sen. Bennet*
 - *Sen. Flake*
 - *Sen. McCain*
 - *Sen. Graham*
 - *Sen. Rubio*
 - *Rep. Sam Johnson*
 - *Rep. John Yarmuth*
 - *Rep. Raul Labrador*
 - *Rep. Becerra*
 - *Rep. Gutierrez*
 - *Rep. Diaz-Balart*
 - *Sen. Feinstein*
 - *Sen. Boxer*
 - *Sen. Cornyn*
 - *Rep. Smith*
 - *CHC lead staff*
 - *CAPAC lead staff*

- CBC lead staff
 - Blue Dog lead staff
- (Original 2013 Immigration "Gang of 8" in Italics.)*

10:30 AM

IGA/OSLLE Notification to National Elected and Law Enforcement Associations

Notification will occur via e-mail with follow up phone calls. The PEP Brochure and new I-247N/D forms will be attached to the notification e-mail.

- National Association of Counties (E-mail only)
- National Conference of State Legislatures (E-mail only)
- Major County Sheriffs' Association
- Major Cities Chiefs Association
- National Sheriffs' Association
- International Association of Chiefs of Police
- Fraternal Order of Police
- Police Executive Research Forum
- Law Enforcement Immigration Task Force
- Southwest Border Sheriff's Coalition
- Texas Border Sheriff's Coalition
- Western States Sheriffs' Association
- Washington Association of Sheriffs and Police Chiefs
- California State Sheriffs' Association
- Los Angeles Police Department
- Miami-Dade Police Department
- Broward County Sheriff's Office
- Palm Beach County Sheriff's Office
- Amador County Sheriff's Office
- Contra Costa County Sheriff's Office
- San Mateo County Sheriff's Office
- Santa Clara County Sheriff's Office
- Fremont Police Department
- Hayward Police Department
- Boston Police Department
- Las Vegas Metropolitan Police Department
- Dan Satterberg, King County Prosecuting Attorney
- Michael Ornsby, U.S. Attorney for Eastern District of Washington

10:30 AM

Advocacy Group Notifications

- ICE and CBP Working Groups Notification
- (b)(6) AV
- (b)(6) Former AILA Chair
- (b)(6) AILA
- (b)(6) Center for Community Change
- (b)(6) NILC
- (b)(6) CAP
- (b)(6) UWD
- (b)(6) American Immigration Law Foundation

- (b)(6) SEIU
- (b)(6) BBB
- (b)(6) NIF
- (b)(6) LIRS
- (b)(6) PICO
- (b)(6) CWS
- (b)(6) ACLU
- (b)(6) CHIRLA

DHS PEP Soft-Rollout Timeline

(b)(5)



(b)(5)



From:	Mack, Megan (b)(6)
To:	(b)(6)
Subject:	FW: Request for update on PEP monitoring
Date:	2015/03/20 10:21:51
Priority:	Normal
Type:	Note

(b)(6) do you have availability at those times to brief Heather and (b)(6) (Could invite IGA to send someone while you are at it)

From: Fong, Heather
Sent: Friday, March 20, 2015 8:54 AM
To: Mack, Megan
Cc: (b)(6)
Subject: Request for update on PEP monitoring

Good morning Megan,

Back in December when we held our initial law enforcement round table on PEP, you and your team participated to give an overview of the monitoring piece discussed in the EA. Based upon the huddles, you and your team have been working on building out the plan. Beginning next week, we (SLLE & ICE) have a number of engagements with law enforcement groups across the country. Would it be possible for (b)(6) and me to meet with you or someone from your team to have an update and any talking points? We just want to be prepared if any questions are raised.

We are available today, Mon., 03/23 and Tues., 03/24.

Thanks for your assistance.

Best regards,
Heather

Sender:	Mack, Megan (b)(6)
Recipient:	(b)(6)
Sent Date:	2015/03/20 10:21:50
Delivered Date:	2015/03/20 10:21:51

DEPARTMENT OF HOMELAND SECURITY (DHS)
REQUEST FOR COOPERATIVE CUSTODY ASSISTANCE

(b)(5)

A large rectangular area of the page is completely redacted with a solid black fill. It covers most of the left and center portions of the document.

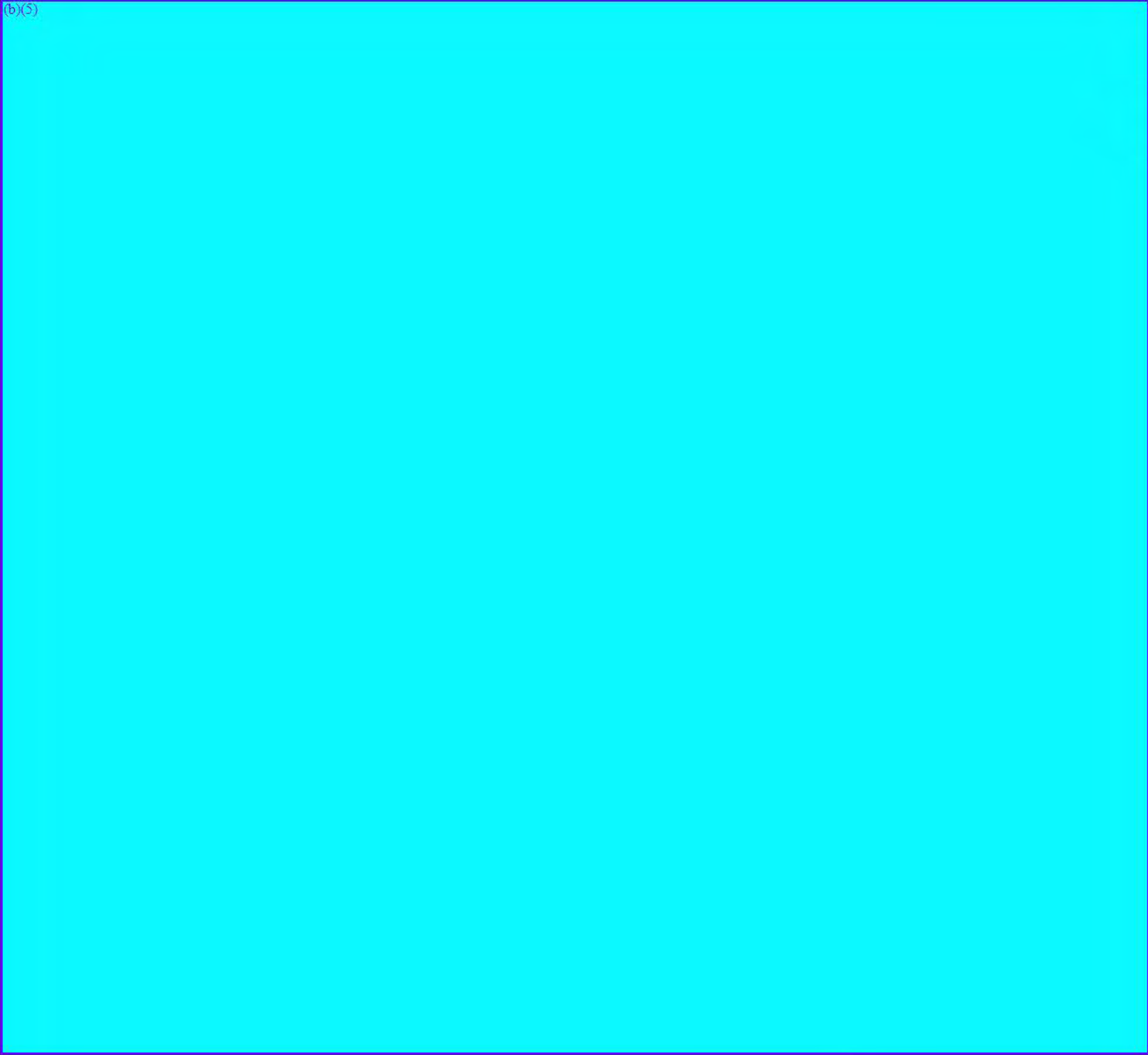
(b)(5)

A vertical rectangular area on the right side of the page is redacted with a solid black fill. It is positioned to the right of the main redacted area.

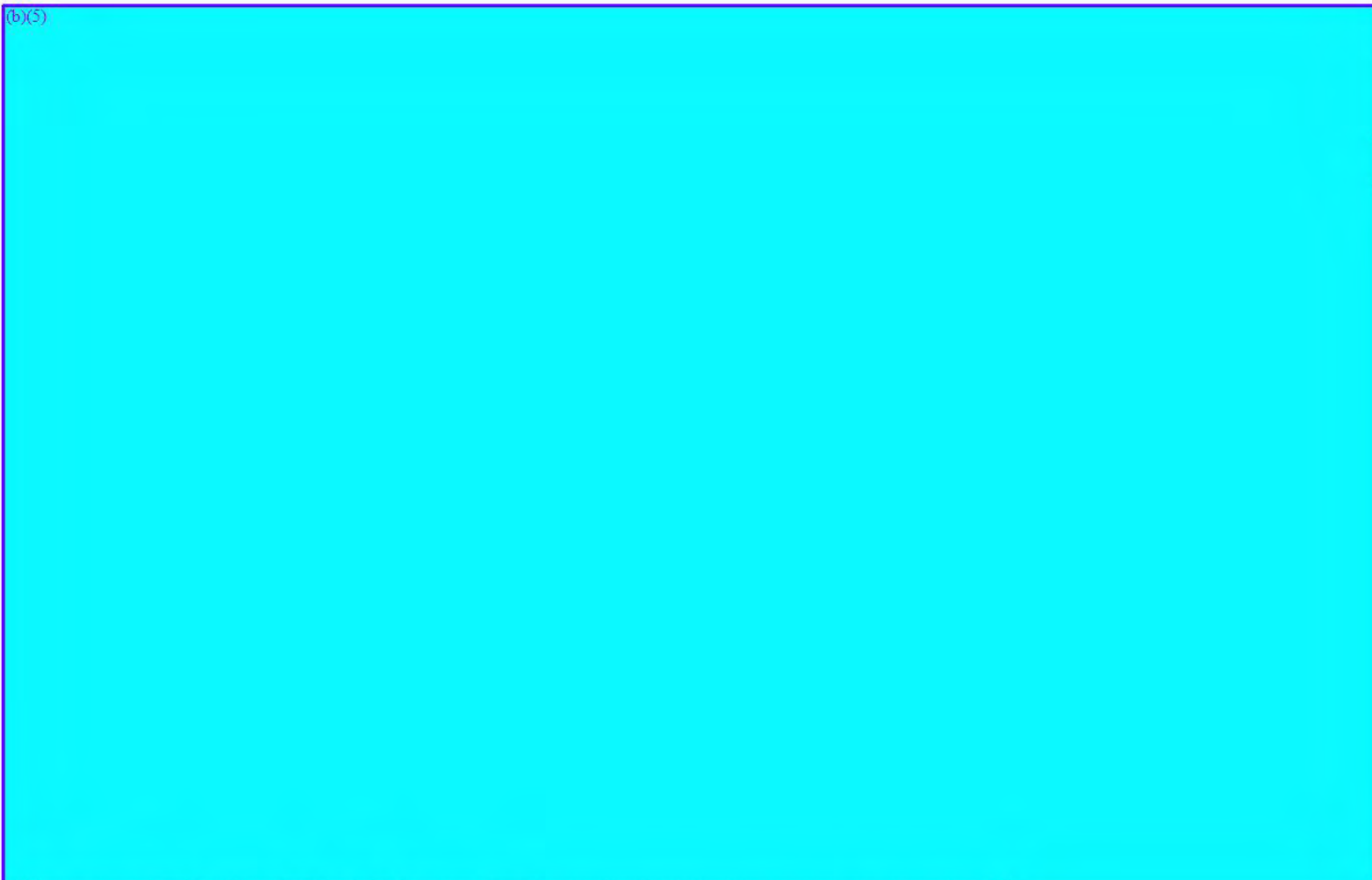
(b)(5)

DRAFT

(b)(5)



(b)(5)



From:	(b)(6)
To:	(b)(6)
Subject:	Huddle: Update
Date:	2014/12/10 17:34:34
Priority:	Normal
Type:	Note

(b)(6)

Main things from the Huddle today:

- Let me know if you didn't get Alan's updated chart and I'll forward it to you.
- At S2 meeting today, (b)(5)

(b)(5)

- We are still on the hook to have major concepts of a plan for monitoring in place by the 16th, with milestones identified.

- (b)(5),(b)(6)

- Going forward Huddles will only take place on Monday and Thursday. So there will be no huddle this Friday.

So next week, there will be a huddle on Monday, the S2 meeting Wed, and a huddle on Thursday.

Cheers,

(b)(6)

Sender:	(b)(6)
Recipient:	(b)(6)
Sent Date:	2014/12/10 17:34:33
Delivered Date:	2014/12/10 17:34:34

FOR OFFICIAL USE ONLY // LAW ENFORCEMENT SENSITIVE

MEMORANDUM OF UNDERSTANDING

Between

U.S. CUSTOMS AND IMMIGRATION ENFORCEMENT

And the

D.H.S. OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Relative to

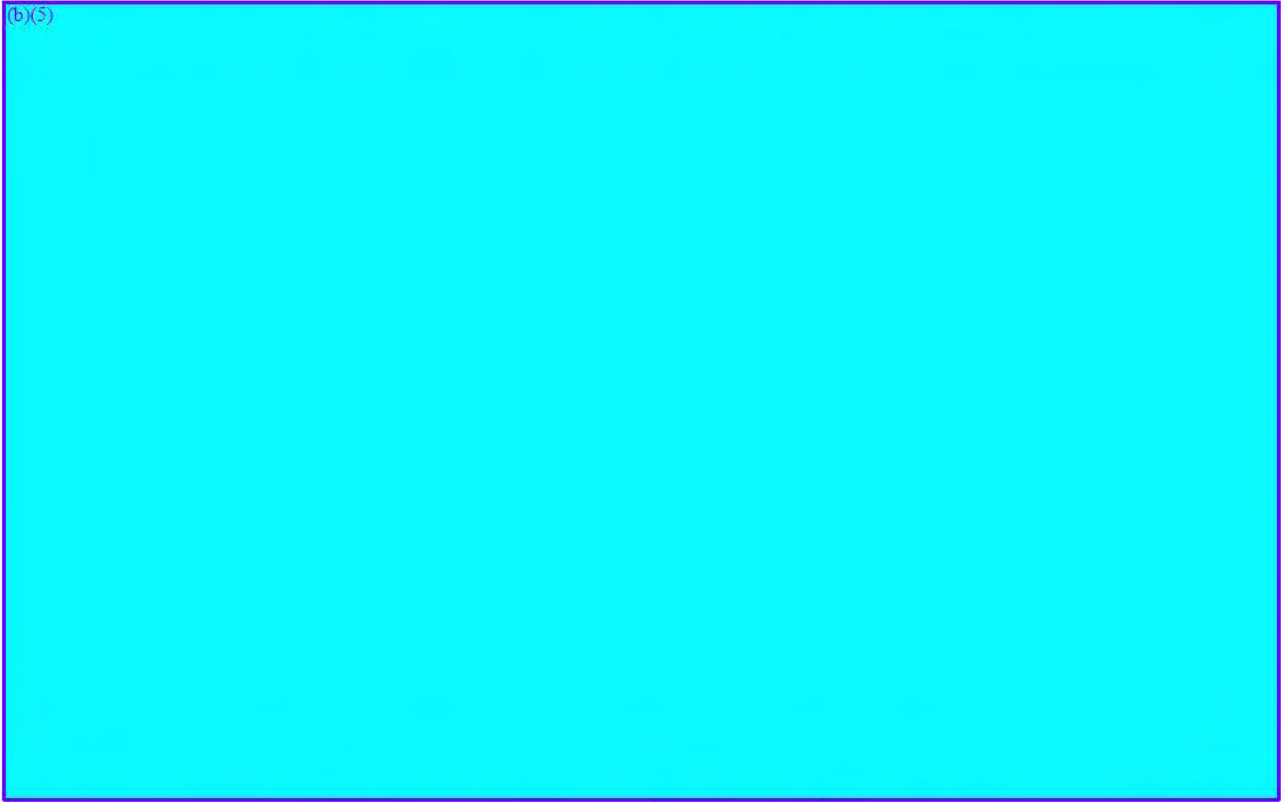
**CIVIL RIGHTS MONITORING OF STATE AND LOCAL LAW
ENFORCEMENT TRANSFERS OF ARRESTEES
FOR FEDERAL CIVIL IMMIGRATION ENFORCEMENT**

(b)(5)



FOR OFFICIAL USE ONLY // LAW ENFORCEMENT SENSITIVE

(b)(5)



[Signatures]

DRAFT

Page 1 of 3

Withheld pursuant to exemption

Duplicate

of the Freedom of Information and Privacy Act

Page 2 of 3

Withheld pursuant to exemption

Duplicate

of the Freedom of Information and Privacy Act

Page 3 of 3

Withheld pursuant to exemption

Duplicate

of the Freedom of Information and Privacy Act

From:	(b)(6)
To:	(b)(6)
Subject:	Non-PEP monitoring
Date:	2015/03/06 01:08:00
Priority:	Normal
Type:	Note

“Nothing in this memorandum shall prevent ICE from seeking the transfer of an alien from a state or local law enforcement agency when ICE has otherwise determined that the alien is a priority under the November 20, 2014 [Policies for the Apprehension, Detention and Removal of Undocumented Immigrants Memorandum](#) and the state or locality agrees to cooperate with such transfer. DHS will monitor these activities at the state and local level, including through the collection and analysis of data, to detect inappropriate use to support or engage in biased policing, and will establish effective remedial measures to stop any such misuses.² I direct the Office of Civil Rights and Civil Liberties to develop and implement a plan to monitor state and local law enforcement agencies participating in such transfers.”

That’s the S1 memo. Now that Esther decoded it for us – that’s what it said all along. It’s not PEP monitoring, it’s non-CAP PEP monitoring. But everyone has been calling it PEP monitoring.

(b)(6)

Senior Advisor & Acting Team Lead, Immigration Section
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(202) 357-(b)(6) (o)

(202) 604-(b)(6) (c)

(b)(6)

Sender:	(b)(6)
Recipient:	(b)(6)
Sent Date:	2015/03/06 01:08:50
Delivered Date:	2015/03/06 01:08:00