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## Declined Detainer Report

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U.S. Immigration and Customs Enforcement (ICE) issues detainers and requests for notification to law enforcement agencies (LEAs) to provide notice of its intent to assume custody of an individual detained in federal, state, or local custody. Detainers are placed on aliens arrested on criminal charges for whom ICE possesses probable cause to believe that they are removable from the United States.

A detainer requests that a LEA notify ICE as early as practicable – ideally at least 48 hours – before a removable alien is released from criminal custody and then briefly maintain custody of the alien for up to 48 hours to allow DHS to assume custody for removal purposes. A request for notification requests that a LEA notify ICE as early as practicable – ideally at least 48 hours – before a removable alien is released from criminal custody.

These requests are intended to allow a reasonable amount of time for ICE to respond and take custody of the alien. When LEAs fail to honor immigration detainers or requests for notification and release removable aliens, it undermines ICE's ability to protect public safety and carry out its mission.

ICE continues to collaborate with all law enforcement agencies to help ensure that aliens who may pose a threat to our communities are not released onto the streets to potentially reoffend and harm individuals living within our communities. However, in some cases, state or local laws, ordinances or policies restrict or prohibit cooperation with ICE. In other cases, jurisdictions choose to willfully decline ICE detainers or requests for notification and release removable aliens back into the community.

When criminal aliens are released from local or state custody, they have the opportunity to reoffend. ICE is then required to expend extensive resources to mitigate potential risks and make arrests in a community setting. Oftentimes, ICE is unable to locate a released alien before the alien commits a new crime. It can be safer for all involved – the community, law enforcement, and the criminal alien – if ICE officers take custody in the controlled environment of another law enforcement agency.

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