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3-month review shows how New York City's failure to honor immigration detainers leads to hundreds of dangerous criminals released

Many of those released offended again



NEW YORK — U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations (ERO) in New York conducted a three-month review of detainers lodged with the New York City Police Department (NYPD) and New York Department of Corrections (NYDOC) to determine the type of criminal aliens who have been released from custody without ICE being notified. Detainers are ICE's request to a local law enforcement agency to notify ICE when an alien in custody will be released.

Within the three months, from January to mid-April this year, ICE prepared more than 440 detainers against aliens booked by NYPD or NYDOC. Nearly 40 individuals who were released from custody, reoffended and were again arrested for crimes by local law enforcement officers.

"In just three months, more than three dozen criminal aliens were released from local custody. Simply put, the politics and rhetoric in this city are putting its own communities at an unnecessary risk," said Scott Mechowski, acting field office director for the ERO New York. "ICE has no choice

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but to continue to conduct at-large arrests in local neighborhoods and at worksites, wasting valuable resources on criminal aliens who could be securely turned over to ICE custody at jails and prisons. However, ICE remains committed to its public safety mission and will continue to enforce our nation's immigration laws.”

Below are some examples of individuals arrested and released who reoffended within the three-month period:

- A 43-year old man from China was released in March after being arrested for Criminal Possession Controlled Substance-7th, then re-arrested for Criminal Possession Controlled Substance-5th (Felony) in April. His criminal history also includes a conviction for Criminal Contempt.
- A 28-year old man from Azerbaijan was released in February after being returned on a warrant for a Criminal Trespass-3rd arrest from June 2017, then re-arrested in April for Grand Larceny-4th: Credit Card. His criminal history also includes convictions for Assault-3rd, Disorderly Conduct, and Aggravated Unlicensed Operation of a Motor Vehicle-1st.
- A 20-year old from Guatemala arrested for a felony count Assault 2nd Degree: Injure Victim 65 or older and released in January, arrested in February for Felony Grand Larceny, and arrested again in March for Resisting Arrest.
- A 28-year old Salvadoran man arrested for Assault in March was released, then again arrested for Robbery in April.
- A 29-year old man from Burkina Faso was released in January after being arrested for Criminal Contempt, then re-arrested again in April for Criminal Contempt.

Others who were released from custody include:

- A 28-year old from Azerbaijan arrested for Possession of Stolen Property in April and Assault/Intimidation in January. His criminal history also includes arrests for Assault, Trespassing, and Larceny and convictions for Assault and Disorderly Conduct.
- A 20-year old from Jamaica arrested for Possession of a Weapon in April. His criminal history also includes arrests for Fraud, Robbery and Homicide.

ICE has not been notified about the release of aliens in custody at New York City facilities since 2014, except for those that fall within the 170 crimes considered egregious by the Mayor's Office.

Sanctuary policies, which have pushed ICE out of jails, force our officers to conduct more enforcement in the community – which poses increased risks for law enforcement and the public. It also increases the likelihood that ICE will encounter other illegal aliens who previously were not on our radar. For ICE, it makes more sense to devote resources to jails to solely focus on criminals, reducing the broader enforcement efforts and allowing the apprehension of individuals with the secure confines of local jails.

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