



OFFICE OF NASHVILLE SHERIFF

DARON HALL

March 21, 2017

Bob Mendes
Metropolitan Council
One Public Square, Suite 204
Nashville, TN 37219

Re: Regional Detention for ICE

Dear Council Member Mendes:

We have received and reviewed your March 2, 2017 letter. Here are our responses to your questions:

- 1. Has DCSO detained non-citizens for ICE in exchange for any compensation? If so, please identify whether these non-citizens have been detained under the authority granted in the ICE Contract, or the USMS Contract, or some other authority. If there is a different answer for different periods of time, identify the authority for each period.**

The DCSO does not determine or have knowledge of whether the federal prisoners housed within the DCSO are citizens or non-citizens.

The Davidson County Sheriff's Office is compensated under the United States Marshals Service Intergovernmental Service Agreement ("USMS IGSA") for the detention of federal prisoners for the USMS and "other federal user agencies (the Federal Government)." (See your Exhibit B.) This agreement pertains to the detention of ICE inmates who have been charged with violating federal law. This agreement does not apply to those persons who are the subject of a detainer hold issued by ICE.

The DCSO has been reimbursed for the detention of federal prisoners since entering into the USMS IGSA in 1996. Prior to the time in which the DCSO was participating in the 287(g) Program, the DCSO was compensated by the federal government for housing ICE inmates under the USMS IGSA.

During the time in which the DCSO was participating in the 287(g) Program, the DCSO was compensated for housing federal ICE inmates under a separate agreement – the ICE IGSA. Once the DCSO’s participation in the 287(g) Program ended, the USMS IGSA once again controlled compensation for all federal detainees, including the ICE inmates. After DCSO discontinued participation in the 287(g) program, the DCSO’s finance department inadvertently continued billing for the ICE inmates under the ICE IGSA reference number. This was an internal billing error that did not materially alter the contractual relationship between DCSO and the federal government regarding the housing of these federal inmates.

The USMS IGSA has been in effect since 1996, and since that time the agreement has authorized the DCSO to house federal inmates, including ICE inmates, and it has authorized the DCSO to bill the federal government for the housing of these inmates.

- 2. If there have been any detentions of non-citizens for which DCSO or Metro has been reimbursed under the ICE Contract, identify whether the ICE Contract was valid and enforceable at the time of the detention. Please explain.**

Please see the answer to Question #1 above.

- 3. If there have been any detentions of non-citizens for which DCSO or Metro has been reimbursed under the USMS Contract, identify:**
 - a. All of the terms in the USMS Contract which authorize detaining non-citizens;**
 - b. Whether every such detained non-citizen has been charged with or convicted of a violation of federal criminal law; and**
 - c. Whether any such detained non-citizen has been held as a material witness.**

The DCSO does not determine or have knowledge of whether the federal prisoners housed within the DCSO are citizens or non-citizens.

Pursuant to the USMS IGSA, the DCSO is reimbursed by the federal government “for the detention of persons **charged with** or convicted of **violations of federal law** or held as material witnesses (federal prisoners).” The contract does not require that the charged violation relate to criminal law, just a violation of federal law.

As it relates to ICE inmates, they have been charged with violating federal law when they are booked into the DCSO as an ICE inmate. See the attached example documentation relating to an ICE inmate. The charged violation of federal law is contained in the middle of the page on Form I-862 (page 1 of the attached documentation). The warrant for arrest is included on Form I-200 (page 4 of the attached documentation).

The USMS IGSA is “a formal binding relationship between the US Marshals Service (USMS) and **other federal user agencies (the Federal Government)** and Davidson County.”

Thus, the agreement applies to ICE, which is another federal agency using DCSO to house federal inmates.

In conclusion, DCSO's detention of federal inmates is governed by the USMS IGSA. This contract with the federal government has been in effect since 1996. This contract does not pertain to detainer holds issued by ICE. Rather, this contract applies to federal inmates who have been charged with violating federal law, or who are federal prisoners being held as material witnesses.

As mentioned in previous discussions, we would be happy to meet and discuss this matter further, as these issues can be quite complicated.

Sincerely,



Sheriff Daron Hall



Jon Cooper, Director of Law

cc: Mike Jameson



In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

File No: [REDACTED]

DOB: 10/09/1979

Event No: [REDACTED]

In the Matter of:

Respondent: [REDACTED] currently residing at:

1010 E. WHATLEY ROAD OAKDALE, TENNESSEE, 71463

(Number, street, city and ZIP code)

(Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of GUATEMALA and a citizen of GUATEMALA;
3. You arrived in the United States at or near Unknown, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: Oakdale Federal Detention Ctr 1900 E. WHATLEY ROAD Oakdale LA 71463. EOIR Oakdale, LA

(Complete Address of Immigration Court, Including Room Number, if any)

on To be set. at To be set. to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

[REDACTED SIGNATURE] (Signature and Title of Issuing Officer)

Date: March 10, 2017

NASHVILLE, TN (City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Allen Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at http://www.ice.gov/about/dro/contact.htm. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on March 10, 2017, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- in person, by certified mail, returned receipt requested, by regular mail, Attached is a credible fear worksheet, Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

(Signature and Title of officer)

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: _____

A-File Number: _____

Date: 03/10/2017

Event ID: _____

Subject ID: _____

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

- Detained by the Department of Homeland Security.
- Released (check all that apply):
- Under bond in the amount of \$ _____
 - On your own recognizance.
 - Under other conditions. [Additional document(s) will be provided.]

Name and Signature of Authorized Officer

03/10/2017 02:30 PM

Date and Time of Custody Determination

SDDO

Title

DHS/ICE ERO Nashville, TN 501 Brick Church Park Dr NASHVILLE,
TN 37207

Office Location/Address

You may request a review of this custody determination by an immigration judge.

- I acknowledge receipt of this notification, and
- I do request an immigration judge review of this custody determination.
 - I do not request an immigration judge review of this custody determination.

Signature of Alien

Date

The contents of this notice were read to _____ in the SPANISH _____ language.
(Name of Alien) (Name of Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

DO

Title

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. [REDACTED]

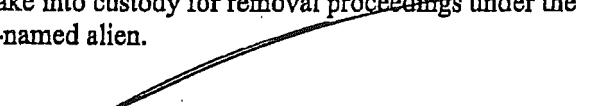
Date: 03/10/2017

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that [REDACTED] is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.


(Signature of Authorized Immigration Officer)

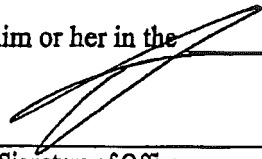
[REDACTED] - Deportation Officer
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at NASHVILLE, TN
(Location)

on [REDACTED] on March 10, 2017, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the SPANISH language.
(Language)

[REDACTED] 
DO Name and Signature of Officer

[REDACTED]
Name or Number of Interpreter (if applicable)

Alien's Name [REDACTED]	File Number [REDACTED] Event No: [REDACTED]	Date 03/10/2017
OTHER ALIASES KNOWN BY ----- [REDACTED]		
Signature [REDACTED]	Title Deportation Officer	