



STEVEN W. TOMPKINS
SHERIFF

Suffolk County Sheriff's Department

Jail
200 Nashua Street
Boston, MA 02114
(617) 635-1100

House of Correction
20 Bradston Street
Boston, MA 02118
(617) 635-1000



February 17, 2017

Mr. Francis V. Kenneally, Clerk
Supreme Judicial Court for the County of Suffolk
John Adams Courthouse, 1st Floor
One Pemberton Square, Suite 1300
Boston, MA 02108-1707

Re: Commonwealth v. Lunn, SJC-12276

Dear Mr. Kenneally:

Enclosed please find the Suffolk County Sheriff's Motion to Intervene in the above-referenced matter. Neither Mr. Lunn nor the Suffolk County District Attorney's Office opposes this motion.

Very truly yours,

Allen H. Forbes

cc: Emma Winger, Esquire w/ enclosures
Jack Zanini, Esquire w/ enclosures

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Supreme Judicial Court
SJC-12276

COMMONWEALTH

v.

SREYNUON LUNN

Suffolk County Sheriff's Motion to Intervene

I. Introduction

Pursuant to the February 7, 2017 Reservation and Report issued in SJ-2017-0060, the Suffolk County Sheriff hereby moves for leave to intervene in this case. This case raises questions concerning the constitutionality of any judicial order that would require the Sheriff to confine a prisoner solely on the basis of a detainer issued by Immigration and Customs Enforcement (ICE). As indicated below, such an order might violate the Fourth and Tenth Amendments of the United States Constitution and Articles 14 and 30 of the Massachusetts Declaration of Rights.

II. Background

In the course of its operations, the Sheriff's Department¹ frequently

¹ The Suffolk County Sheriff's Department is an entity of the Commonwealth of Massachusetts, Mass. St. 2009, Ch. 61, §§13, 15; *Canales v. Gatzunis*, 979 F.Supp.2d 164, 171 (D. Mass. 2013). However the Sheriff's Department does not speak on behalf of any other Commonwealth agency.

encounters immigration detainees issued by employees of ICE pursuant to 8 C.F.R. 287.7. By sending an immigration detainer to a law enforcement agency, ICE formally requests that 1) the agency timely notify ICE of the release of a prisoner in the agency's custody, or 2) the agency hold the prisoner for up to several days. (See Exhibits A and B).

The Sheriff's Department advised ICE in 2015 that it would provide notice of the impending release of a person subject to a detainer, but would not incarcerate people identified in ICE detainers if they were otherwise eligible for release. (Exhibit C)

According to his M.G.L. Ch. 211 §3 petition Sreynuon Lunn was a pretrial detainee awaiting trial on a larceny charge in Boston Municipal Court. After deputies transported Lunn to court for trial on February 6, 2017, his case was dismissed. Although he had no other open cases or warrants, Lunn was not released from custody because he was subject to an ICE detainer that identified him as a removable alien. On instruction of the District Court judge, court officers detained Lunn until ICE took custody of him later that day. He is now in federal custody.

III. Argument

Had the District Court ordered the Sheriff's Department, rather than court officers, to hold Lunn until ICE took custody, the Sheriff would have been in an untenable position. Sheriffs and their deputies are obliged to execute orders

lawfully issued by the Commonwealth's courts. M.G.L. Ch. 37 § 11. However, detention of persons solely on the basis of an ICE detainer may violate the Fourth Amendment of the Constitution. See, e.g. *Miranda-Olivares v. Clackamas County*, 2014 WL 1414305 (D. Or. 2014); *Moscoso v. E. Boston Div. of Boston Mun. Ct.*, SJ-2016-168, (2016)

State enforcement of ICE detainers raises other constitutional concerns as well. Absent a controlling Massachusetts statute, a court order compelling the Sheriff to enforce an ICE detainer would seemingly violate article 30 of the Massachusetts Declaration of Rights, (separation of powers) and infringe on the anti-commandeering provisions of the Tenth Amendment of the Constitution. *Printz v. Mack*, 521 U.S. 898, 935 (1997) (State's officers may not be commanded to administer federal programs); *Galarza v. Szalczyk*, 745 F.3d 634, 644 (3rd Cir. 2014) (Under anti-commandeering rule an ICE detainer cannot be considered a federal command to a state agency.)

The Sheriff's Department routinely deals with the release of prisoners subject to immigration detainers, and accordingly has a vital interest in the resolution of constitutional issues arising from ICE detainers lodged against prisoners in the Sheriff's custody. Therefore, the Court should allow this unopposed² motion so that the Sheriff may address these matters.

² Lunn and the District Attorney's Office state that they do not oppose this motion.

IV. Conclusion

For the forgoing reasons, the Suffolk County Sheriff respectfully requests that the Court allow this motion, and order that its brief be filed on the same date as the Appellee's.

Respectfully submitted,
Suffolk County Sheriff
Steven Tompkins,

By his attorney,

MAURA HEALY,
ATTORNEY GENERAL

Allen H. Forbes
Special Assistant Attorney General



Allen H. Forbes
BBO No. 554688
General Counsel
Suffolk County Sheriff's Department
200 Nashua Street
Boston, MA 02114
(617) 704-6685

CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing papers on counsel for all parties. Signed under the pains and penalties of perjury this 17th day of February 2017.


Allen H. Forbes

EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID:
Event #:

File No:
Date:

TO: (Name and Title of Institution - OR Any Subsequent Law
Enforcement Agency)

FROM: (Department of Homeland Security Office Address)

MAINTAIN CUSTODY OF ALIEN FOR A PERIOD NOT TO EXCEED 48 HOURS

Name of Alien: _____
Date of Birth: _____ Nationality: _____ Sex: _____

THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY:

- ☐ Determined that there is reason to believe the individual is an alien subject to removal from the United States. The individual (*check all that apply*):
- ☐ has a prior a felony conviction or has been charged with a felony offense;
 - ☐ has three or more prior misdemeanor convictions;
 - ☐ has a prior misdemeanor conviction or has been charged with a misdemeanor for an offense that involves violence, threats, or assaults; sexual abuse or exploitation; driving under the influence of alcohol or a controlled substance; unlawful flight from the scene of an accident; the unlawful possession or use of a firearm or other deadly weapon, the distribution or trafficking of a controlled substance; or other significant threat to public safety;
 - ☐ has been convicted of illegal entry pursuant to 8 U.S.C. § 1325;
 - ☐ has illegally re-entered the country after a previous removal or return;
 - ☐ has been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud;
 - ☐ otherwise poses a significant risk to national security, border security, or public safety; and/or
 - ☐ other (specify): _____
- ☐ Initiated removal proceedings and served a Notice to Appear or other charging document. A copy of the charging document is attached and was served on _____ (date).
- ☐ Served a warrant of arrest for removal proceedings. A copy of the warrant is attached and was served on _____ (date).
- ☐ Obtained an order of deportation or removal from the United States for this person.

This action does not limit your discretion to make decisions related to this person's custody classification, work, quarter assignments, or other matters. DHS discourages dismissing criminal charges based on the existence of a detainer.

IT IS REQUESTED THAT YOU:

- ☐ Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS**, excluding Saturdays, Sundays, and holidays, beyond the time when the subject would have otherwise been released from your custody to allow DHS to take custody of the subject. This request derives from federal regulation 8 C.F.R. § 287.7. For purposes of this immigration detainer, **you are not authorized to hold the subject beyond these 48 hours**. As early as possible prior to the time you otherwise would release the subject, please notify DHS by calling _____ during business hours or _____ after hours or in an emergency. If you cannot reach a DHS Official at these numbers, please contact the ICE Law Enforcement Support Center in Burlington, Vermont at: (802) 872-6020.
- ☐ Provide a copy to the subject of this detainer.
- ☐ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- ☐ Notify this office in the event of the inmate's death, hospitalization or transfer to another institution.
- ☐ Consider this request for a detainer operative only upon the subject's conviction.
- ☐ Cancel the detainer previously placed by this Office on _____ (date).

(Name and title of Immigration Officer)

(Signature of Immigration Officer)

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS using the envelope enclosed for your convenience or by faxing a copy to _____. You should maintain a copy for your own records so you may track the case and not hold the subject beyond the 48-hour period.

Local Booking/Inmate #: _____ Latest criminal charge/conviction: _____ (date) Estimated release: _____ (date)

Last criminal charge/conviction: _____

Notice: Once in our custody, the subject of this detainer may be removed from the United States. If the individual may be the victim of a crime, or if you want this individual to remain in the United States for prosecution or other law enforcement purposes, including acting as a witness, please notify the ICE Law Enforcement Support Center at (802) 872-6020.

(Name and title of Officer)

(Signature of Officer)

NOTICE TO THE DETAINEE

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice from DHS informing law enforcement agencies that DHS intends to assume custody of you after you otherwise would be released from custody. DHS has requested that the law enforcement agency which is currently detaining you maintain custody of you for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays) beyond the time when you would have been released by the state or local law enforcement authorities based on your criminal charges or convictions. **If DHS does not take you into custody during that additional 48 hour period, not counting weekends or holidays, you should contact your custodian (the law enforcement agency or other entity that is holding you now) to inquire about your release from state or local custody. If you have a complaint regarding this detainer or related to violations of civil rights or civil liberties connected to DHS activities, please contact the ICE Joint Intake Center at 1-877-2INTAKE (877-246-8253). If you believe you are a United States citizen or the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.**

NOTIFICACIÓN A LA PERSONA DETENIDA

El Departamento de Seguridad Nacional (DHS) de EE. UU. ha emitido una orden de detención inmigratoria en su contra. Mediante esta orden, se notifica a los organismos policiales que el DHS pretende arrestarlo cuando usted cumpla su reclusión actual. El DHS ha solicitado que el organismo policial local o estatal a cargo de su actual detención lo mantenga en custodia por un período no mayor a 48 horas (excluyendo sábados, domingos y días festivos) tras el cese de su reclusión penal. **Si el DHS no procede con su arresto inmigratorio durante este período adicional de 48 horas, excluyendo los fines de semana o días festivos, usted debe comunicarse con la autoridad estatal o local que lo tiene detenido (el organismo policial u otra entidad a cargo de su custodia actual) para obtener mayores detalles sobre el cese de su reclusión. Si tiene alguna queja que se relacione con esta orden de detención o con posibles infracciones a los derechos o libertades civiles en conexión con las actividades del DHS, comuníquese con el Joint Intake Center (Centro de Admisión) del ICE (Servicio de Inmigración y Control de Aduanas) llamando al 1-877-2INTAKE (877-246-8253). Si usted cree que es ciudadano de los Estados Unidos o que ha sido víctima de un delito, infórmele al DHS llamando al Centro de Apoyo a los Organismos Policiales (Law Enforcement Support Center) del ICE, teléfono (855) 448-6903 (llamada gratuita).**

Avis au détenu

Le département de la Sécurité Intérieure [Department of Homeland Security (DHS)] a émis, à votre rencontre, un ordre d'incarcération pour des raisons d'immigration. Un ordre d'incarcération pour des raisons d'immigration est un avis du DHS informant les agences des forces de l'ordre que le DHS a l'intention de vous détenir après la date normale de votre remise en liberté. Le DHS a requis que l'agence des forces de l'ordre, qui vous détient actuellement, vous garde en détention pour une période maximum de 48 heures (excluant les samedis, dimanches et jours fériés) au-delà de la période à la fin de laquelle vous auriez été remis en liberté par les autorités policières de l'État ou locales en fonction des inculpations ou condamnations pénales à votre rencontre. **Si le DHS ne vous détient pas durant cette période supplémentaire de 48 heures, sans compter les fins de semaines et les jours fériés, vous devez contacter votre gardien (l'agence des forces de l'ordre qui vous détient actuellement) pour vous renseigner à propos de votre libération par l'État ou l'autorité locale. Si vous avez une plainte à formuler au sujet de cet ordre d'incarcération ou en rapport avec des violations de vos droits civils liées à des activités du DHS, veuillez contacter le centre commun d'admissions du Service de l'Immigration et des Douanes [ICE - Immigration and Customs Enforcement] [ICE Joint Intake Center] au 1-877-2INTAKE (877-246-8253). Si vous croyez être un citoyen des États-Unis ou la victime d'un crime, veuillez en aviser le DHS en appelant le centre d'assistance des forces de l'ordre de l'ICE [ICE Law Enforcement Support Center] au numéro gratuit (855) 448-6903.**

AVISO AO DETENTO

O Departamento de Segurança Nacional (DHS) emitiu uma ordem de custódia imigratória em seu nome. Este documento é um aviso enviado às agências de imposição da lei de que o DHS pretende assumir a custódia da sua pessoa, caso seja liberado. O DHS pediu que a agência de imposição da lei encarregada da sua atual detenção mantenha-o sob custódia durante, no máximo, 48 horas (excluindo-se sábados, domingos e feriados) após o período em que seria liberado pelas autoridades estaduais ou municipais de imposição da lei, de acordo com as respectivas acusações e penas criminais. **Se o DHS não assumir a sua custódia durante essas 48 horas adicionais, excluindo-se os fins de semana e feriados, você deverá entrar em contato com o seu custodiante (a agência de imposição da lei ou qualquer outra entidade que esteja detendo-o no momento) para obter informações sobre sua liberação da custódia estadual ou municipal. Caso você tenha alguma reclamação a fazer sobre esta ordem de custódia imigratória ou relacionada a violações dos seus direitos ou liberdades civis decorrente das atividades do DHS, entre em contato com o Centro de Entrada Conjunta da Agência de Controle de Imigração e Alfândega (ICE) pelo telefone 1-877-246-8253. Se você acreditar que é um cidadão dos EUA ou está sendo vítima de um crime, informe o DHS ligando para o Centro de Apoio à Imposição da Lei do ICE pelo telefone de ligação gratuita (855) 448-6903**

THÔNG BÁO CHO NGƯỜI BỊ GIAM GIỮ

Bộ Quốc Phòng (DHS) đã có lệnh giam giữ quý vị vì lý do di trú. Lệnh giam giữ vì lý do di trú là thông báo của DHS cho các cơ quan thi hành luật pháp là DHS có ý định tạm giữ quý vị sau khi quý vị được thả. DHS đã yêu cầu cơ quan thi hành luật pháp hiện đang giữ quý vị phải tiếp tục tạm giữ quý vị trong không quá 48 giờ đồng hồ (không kể thứ Bảy, Chủ nhật, và các ngày nghỉ lễ) ngoài thời gian mà lẽ ra quý vị sẽ được cơ quan thi hành luật pháp của tiểu bang hoặc địa phương thả ra dựa trên các bản án và tội hình sự của quý vị. Nếu DHS không tạm giam quý vị trong thời gian 48 giờ bổ sung đó, không tính các ngày cuối tuần hoặc ngày lễ, quý vị nên liên lạc với bên giam giữ quý vị (cơ quan thi hành luật pháp hoặc tổ chức khác hiện đang giam giữ quý vị) để hỏi về việc cơ quan địa phương hoặc liên bang thả quý vị ra. Nếu quý vị có khiếu nại về lệnh giam giữ này hoặc liên quan tới các trường hợp vi phạm dân quyền hoặc tự do công dân liên quan tới các hoạt động của DHS, vui lòng liên lạc với ICE Joint Intake Center tại số 1-877-2INTAKE (877-246-8253). Nếu quý vị tin rằng quý vị là công dân Hoa Kỳ hoặc nạn nhân tội phạm, vui lòng báo cho DHS biết bằng cách gọi ICE Law Enforcement Support Center tại số điện thoại miễn phí (855) 448-6903.

对被拘留者的通告

美国国土安全部 (DHS) 已发出对你的移民监禁令。移民监禁令是美国国土安全部用来通告执法当局, 表示美国国土安全部意图在你可能从当前的拘留被释放以后继续拘留你的通知单。美国国土安全部已经向当前拘留你的执法当局要求, 根据对你的刑事起诉或判罪的基础, 在本当由州或地方执法当局释放你时, 继续拘留你, 为期不超过 48 小时 (星期六、星期天和假日除外)。如果美国国土安全部未在不计周末或假日的额外 48 小时期限内将你拘留, 你应该联系你的监管单位 (现在拘留你的执法当局或其他单位), 询问关于你从州或地方执法单位被释放的事宜。如果你对于这项拘留或关于美国国土安全部的行动所涉及的违反民权或公民自由权有任何投诉, 请联系美国移民及海关执法局联合接洽中心 (ICE Joint Intake Center), 电话号码是 1-877-2INTAKE (877-246-8253)。如果你相信你是美国公民或犯罪被害人, 请联系美国移民及海关执法局的执法支援中心 (ICE Law Enforcement Support Center), 告知美国国土安全部。该执法支援中心的免费电话号码是 (855) 448-6903。

EXHIBIT B

DEPARTMENT OF HOMELAND SECURITY (DHS)
IMMIGRATION DETAINER – REQUEST FOR VOLUNTARY ACTION

Subject ID:
Event #:

File No:
Date:

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)

FROM: (DHS Office Address)

Name of Subject: _____

Date of Birth: _____ Citizenship: _____ Sex: _____

1. DHS HAS DETERMINED THAT (mark at least one option in subsection A and one option in subsection B, or skip to section 2):

A. THE SUBJECT IS AN IMMIGRATION ENFORCEMENT PRIORITY BECAUSE HE/SHE:

- ☐ has engaged in or is suspected of terrorism or espionage, or otherwise poses a danger to national security;
- ☐ has been convicted of an offense of which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or is at least 16 years old and intentionally participated in an organized criminal gang to further its illegal activities;
- ☐ has been convicted of an offense classified as a felony, other than a state or local offense for which an essential element was the alien's immigration status;
- ☐ has been convicted of an aggravated felony, as defined under 8 U.S.C. § 1101(a)(43) at the time of conviction;
- ☐ has been convicted of a "significant misdemeanor," as defined under DHS policy; and/or
- ☐ has been convicted of 3 or more misdemeanors, not including minor traffic offenses and state or local offenses for which immigration status was an essential element, provided the offenses arise out of 3 separate incidents.

B. PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON:

- ☐ a final order of removal against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ 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.

2. DHS TRANSFERRED THE SUBJECT TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION.

- ☐ Upon completion of the proceeding or investigation for which the subject was transferred to your custody, DHS intends to resume custody of the subject to complete processing.

IT IS THEREFORE REQUESTED THAT YOU:

- Serve a copy of this form on the subject and maintain custody of him/her for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. This request takes effect only if you serve a copy of this form on the subject, and it does not request or authorize that you hold the subject beyond 48 hours. This request arises from DHS authorities and should not impact decisions about the subject's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.
- As early as possible prior to the time you otherwise would release the subject, please notify DHS by calling ☐ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at _____. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
- Notify this office in the event of the subject's death, hospitalization or transfer to another institution.

- ☐ If checked: Please cancel the detainer related to this subject previously submitted to you on _____ (date).

(Name and title of Immigration Officer)

(Signature of Immigration Officer)

Notice: If the subject is taken into DHS custody, he or she may be removed from the United States. If the subject may be the victim of a crime or you want the subject to remain in the United States for a law enforcement purpose, please notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing, or faxing a copy to _____.

Local Booking/Inmate #: _____ Est. release date/time: _____ Date of latest criminal charge/conviction: _____

Latest offense charged/convicted: _____

This Form I-247D was served upon the subject on _____ in the following manner:

- ☐ in person ☐ by inmate mail delivery ☐ other (please specify): _____

(Name and title of Officer)

(Signature of Officer)

NOTICE TO THE DETAINEE

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice to a law enforcement agency that DHS intends to assume custody of you (after you otherwise would be released from custody) because there is probable cause that you are subject to removal from the United States under federal immigration law. DHS has requested that the law enforcement agency that is currently detaining you maintain custody of you for a period not to exceed 48 hours beyond the time when you would have been released based on your criminal charges or convictions. If DHS does not take you into custody during this additional 48 hour period, you should contact your custodian (the agency that is holding you now) to inquire about your release. If you have a question or complaint regarding this detainer, please contact the ICE ERO Detention Reporting and Information Line at (888) 351-4024. For complaints related to alleged violations of civil rights or civil liberties connected to DHS activities, please contact the Joint Intake Center at (877) 2INTAKE (877-246-8253). If you believe you are a United States citizen or the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

NOTIFICACIÓN AL DETENIDO

El Departamento de Seguridad Nacional (DHS) ha emitido una orden de detención migratoria en su contra. Una orden de detención migratoria es un aviso a la autoridad de seguridad pública que DHS tiene la intención de asumir custodia sobre usted (después que normalmente hubiera sido liberado de su custodia) porque existe causa probable que usted esté sujeto a ser removido de los Estados Unidos bajo la ley federal de inmigración. DHS ha pedido que la autoridad de seguridad pública que actualmente lo tiene detenido lo / la mantenga en su custodia por un período que no sobrepase 48 horas después del momento cuando usted hubiera sido liberado basado en sus cargos o condenas criminales. Si DHS no lo toma bajo su custodia durante este período adicional de 48 horas, usted debe contactar a la agencia responsable por su custodia (la que actualmente lo tiene detenido) para preguntar acerca de su liberación. Si usted tiene alguna pregunta o queja concerniente a esta orden de detención, por favor contacte la Línea para Reportar e Información de ICE ERO al (888) 351-4024. Para quejas relacionadas a violaciones alegadas de derechos civiles o libertades civiles conectadas a las actividades de DHS, por favor contacte al Joint Intake Center (Centro de Admisión) al (877) 2INTAKE (877-246-8253). Si usted cree ser un ciudadano de los Estados Unidos o víctima de un crimen, por favor avísele a DHS llamando gratis al ICE Law Enforcement Support Center (Centro de Apoyo de ICE para las Agencias para el Cumplimiento de la Ley) al (855) 448-6903.

AVIS AU DETENU

Le Département de la Sécurité Nationale (en anglais: DHS) a émis un ordre d'arrêt d'immigration contre vous. Un ordre d'arrêt d'immigration est un avis à un organisme d'application de la loi que DHS a l'intention d'assumer votre garde (après votre libération) car il existe cause probable que vous soyez sujet à l'expulsion des Etats-Unis en vertu du droit fédéral de l'immigration. DHS a demandé à l'agence d'application de la loi qui actuellement vous détient, de vous maintenir sous garde pendant une période n'excédant pas 48 heures après avoir été libéré en fonction des accusations ou condamnations criminelles contre vous. Si DHS ne vous prend pas en garde à vue au cours de cette période de 48 heures supplémentaires, vous devez contacter votre gardien (l'agence qui vous retient aujourd'hui) pour enquêter au sujet de votre libération. Si vous avez une question ou une plainte au sujet de cette demande, veuillez contacter la Ligne pour Rapporter et d'Information de ICE ERO au (888) 351-4024. Pour les plaintes relatives à des violations présumées des droits et libertés civils liés à des activités de DHS, veuillez contacter Joint Intake (Centre d'Admissions) au (877) 2INTAKE (877-246-8253). Si vous croyez que vous êtes un citoyen américain ou victime d'un crime, veuillez prévenir DHS, en appelant gratuitement ICE Law Enforcement Support Center (Centre d'Appui de ICE pour les Organismes d'Application de la Loi) au 855 448-6903.

AVISO AO DETENTO

O Departamento de Segurança Interna (DHS, pela sigla americana) emitiu uma ordem de custódia migratória em seu nome. Este documento é um aviso enviado às agências de aplicação da lei de que o DHS pretende assumir a custódia da sua pessoa, caso seja libertado. O DHS pediu que a agência de aplicação da lei encarregada da sua atual detenção mantenha-o sob custódia durante, no máximo, 48 horas após o período em que seria libertado pelas autoridades estaduais ou municipais de aplicação da lei, de acordo com as respectivas acusações e penas criminais. Se o DHS não assumir a sua custódia durante essas 48 horas adicionais, você deverá entrar em contato com a agência custodiante (a agência de aplicação da lei ou qualquer outra entidade que esteja detendo-o no momento) para obter informações sobre sua libertação da custódia estadual ou municipal. Caso você tenha alguma reclamação a fazer sobre esta ordem de custódia migratória ou relacionada a violações dos seus direitos ou liberdades civis decorrente das atividades do DHS, entre em contato com o *Joint Intake Center*, que seja o Centro de Entrada Conjunta da Agência de Controle de Imigração e Alfândega (ICE, pela sigla americana) pelo telefone 1-877-246-8253. Se você acreditar que é cidadão dos EUA ou está sendo vítima de um crime, informe ao DHS, ligando para o *Law Enforcement Support Center*, que seja o Centro de Apoio para Aplicação da Lei do ICE pelo telefone de ligação gratuita (855) 448-6903.

THÔNG BÁO CHO NGƯỜI ĐANG BỊ GIAM

Bộ An ninh Nội địa Mỹ (DHS) có lệnh giam giữ ông/bà vì lý do liên quan đến luật di trú. Lệnh giam giữ vì lý do liên quan đến luật di trú là thông báo của DHS cho các cơ quan thi hành luật pháp là DHS có ý định dành thẩm quyền để tạm giữ ông/bà (sau khi ông/bà được thả). Lý do là, theo luật di trú của liên bang Mỹ, DHS có lý do chính đáng để xếp ông/bà vào diện có thể bị trục xuất ra khỏi Mỹ. DHS đã yêu cầu cơ quan thi hành luật pháp, nơi đang giam ông/bà, phải tiếp tục giam ông/bà thêm cho đến tối đa không được quá 48 tiếng đồng hồ, thời điểm mà ông/bà coi như đã được thả, căn cứ vào lời buộc tội hoặc bản án kết tội của tòa. Nếu trong vòng 48 tiếng đồng hồ bỏ sung này mà DHS không đồng ý nhận ông/bà, thì ông/bà nên liên lạc với nhân viên quản lý của mình (nơi đang giam giữ ông/bà) để biết chi tiết về vấn đề được thả ra khỏi nhà giam. Nếu ông/bà có thắc mắc hoặc khiếu nại về lệnh tạm giữ này, xin liên lạc với ICE ERO Detention Reporting and Information Line ở số (888) 351-4024. Nếu ông/bà có phản nản về các hoạt động, công tác của DHS mà ông/bà cho là có vi phạm đến dân quyền hoặc tự do dân quyền, xin liên lạc Joint Intake Center ở số (877) 2INTAKE (877-246-8253). Nếu ông/bà tin rằng mình có quốc tịch Mỹ, hoặc mình là nạn nhân trong vụ tội, xin gọi ICE Law Enforcement Support Center ở số điện thoại miễn phí (855) 448-6903 để báo cho DHS biết.

對扣留者的通告

美国国土安全部 (DHS) 已發出一張扣留令，對你進行扣留。移民扣留令的目的是告訴執法機關現在DHS 有權力扣押你（在你被关押的部門釋放之後）因為根據美国联邦移民法，我們有頗能成立的因由可將你遣送出境。DHS 已向扣留你的有關執法機關提出要求在你刑事控罪及定罪後被釋放的48小時內對你繼續進行扣留。如果在這48小時內DHS沒有扣押你，那你可以聯絡你的保管人（現关押你的部門）查詢有關你釋放的事。如果你對這扣留令有任何問題或投訴，請聯絡ICE ERO 拘留報告信息熱線 (888) 351-4024。任何有關DHS涉嫌違反民權或民權自由行為的投訴，請联系美国移民及海關執法局聯合接待中心 (ICE Joint Intake Center) (877) 2INTAKE (877-246-8253)。如果你相信你是美国公民或是受害者，請联系美国移民及海關執法局的執法支援中心 (ICE Law Enforcement Support Center) 告知DHS，其免費電話號碼是 (855) 448-6903。

EXHIBIT C



STEVEN W. TOMPKINS
SHERIFF

Suffolk County Sheriff's Department

Jail
200 Nashua Street
Boston, MA 02114
(617) 635-1100

House of Correction
20 Bradston Street
Boston, MA 02118
(617) 635-1000



December 18, 2015

Mr. Sean Gallagher
Field Office Director
Department of Homeland Security
U.S. Immigration and Customs Enforcement
10 New England Executive Office Park
Burlington, MA 01803

Re: Priority Enforcement Program

Dear Mr. Gallagher:

I write to convey the Suffolk County Sheriff's Department's (SCSD) response to your agency's introduction of the Priority Enforcement Program (PEP) for immigration detainees.

The SCSD is committed to working collaboratively with ICE to deal with illegal detainees to the fullest extent permitted by law. I understand that under PEP, ICE will transmit Form I-247N, requesting confirmation that the SCSD has in its custody a person subject to PEP. Following receipt of an I-247-N form, this Department will notify your agency of the anticipated release date of the subject inmate and will attempt to facilitate the transfer of custody on that date.

In the event that a pretrial detainee is a suspected priority alien, (as defined by PEP), who has posted bail, then this office will notify ICE as soon as possible. However, we cannot legally hold a bailed prisoner further unless ICE provides a warrant or court order calling for such detention. Upon receipt of such process, the SCSD will detain the prisoner in accordance with ICE form I-247-D.

If you have any questions, please do not hesitate to contact me at (617) 704-6685 or aforbes@scsdma.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen H. Forbes".

Allen H. Forbes
General Counsel