



Remarks of ICE Acting Director Matthew T. Albence
New York City Declined Detainers Press Conference
January 17, 2020
11 a.m.

As delivered

Good morning. Before I begin, I want to send my condolences to the family and friends of Maria Fuertes, a 92-year-old woman who was recently raped and murdered here in New York City by an illegal alien that ICE could've arrested if not for the city's policies.

As a law enforcement officer, we work every day to ensure the safety of those in the communities we serve, and there is no worse feeling than when those innocent citizens you are sworn to protect are needlessly harmed.

I also want to introduce the gentlemen onstage with me; to my right is Thomas Decker, the field office director for ICE Enforcement and Removal Operations here in New York City. To my left I have some gentlemen from the New York PD Sergeants Benevolent Association; Vincent Vallelong, Mike Peruggia, Edmond Small, and Paul Capitosto. They'll be available to answer any questions after this event, if you'd like to speak with them as well.

As much as I like New York City I've got to tell you I hate that I'm here right now. As a 25 year law enforcement professional it is unbelievable that I have to come here and plead with the city of New York to cooperate with us to help keep this city safe. And unfortunately, it's not a new battle. Myself and others within ICE and DHS, both in this administration and the last, have been trying for the better part of a decade to get the city to cooperate with ICE in furtherance of our shared public safety mission.

Time and time again our efforts and our warnings of the disastrous consequences of non-cooperation and even outright interference have gone unheeded, resulting in tragedies such as this one. Countless victims whose lives were forever scarred at the hands of illegal criminal aliens. And as long as politicians continue to put their own self-interests over those they have sworn to protect, and frankly those who actually put them in office, this tragic situation will be repeated again and again. Make no mistake – it is this city's sanctuary policies that are the sole reason this criminal was allowed to roam the streets freely and end an innocent woman's life.

So here I am again, pleading with the people of New York City and all of the sanctuary cities in this country, let ICE help you. Let us help you keep your community safe. We can actually prevent crimes such as these brutal sexual offenses and murders like we saw here this past week. These policies, plain and simple, both here and elsewhere in the country, make all of us less safe, which is the opposite of what the primary goal of every law enforcement officer, every law enforcement agency and every elected official should be.



Strong local partnerships and reliable cooperation are vital to successful law enforcement. Ask these cops up here. As a career law enforcer professional, it's beyond frustrating to know that victims and communities across this country and in this city continue to suffer at the hands of criminals because those politicians choose to put politics over public safety.

I'm going to open it up to some questions, but before I do, I want to lay out some facts surrounding this issue and dispel a lot of the misinformation continuing to be promoted by many in the media and many politicians. First and foremost, I'm going to explain to you what an ICE detainer really is. ICE issues detainers to advise local law enforcement partners that we have established probable cause to believe an individual who has already been arrested by that law enforcement agency for a criminal offense and sitting in their jail is an alien who is subject to removal from this country under United States federal law.

ICE issues detainers and makes arrests based on probable cause. The exact same standard the NYPD and every other law enforcement agency in this country must adhere to when they make arrests for the crimes they are sworn to enforce. When we issue a detainer, we are simply asking to be notified prior to that alien's release, and for our law enforcement partners to hold that individual for a brief period of time so that ICE may assume custody and prevent the release of that criminal back to the community. In many cases, especially in large metropolitan areas like New York where our officers are concentrated, if the law enforcement agency gives us enough notice before the individual is released, we'll be there before they even roll over on that detainer.

And for those who obfuscate this issue by saying they don't want their officers asking immigration status and enforcing federal immigration law, like I saw the mayor's office say yesterday, let me put that false narrative to bed right here and now; we aren't asking you to. When we lodge a detainer, we have already made that probable cause determination. We are the ones making the enforcement action. All you need to do is call us before you release them. A phone call. One simple phone call, and Maria Fuertes could be alive today.

There are also going to be those who try to deflect criticism for these policies by stating that they would honor the ICE detainer if accompanied by a judicial warrant. Individuals who make this claim are either willfully ignorant of the law or are patently disingenuous. ICE does not need a judicial warrant to issue a detainer or to make an arrest.

To be perfectly clear, not only do we not need one, we can't even get one. There is not a federal judge, state judge, local judge, or magistrate anywhere in this country who has the lawful authority to issue a judicial warrant for a civil immigration violation. It's just not doable. The system set up by Congress gives that authority solely to supervisory immigration officers and that is the framework under which we operate.

What many of these politicians also decline to mention is that their officers make warrantless arrests based on probable cause every single day. When they respond to a domestic disturbance, or they respond to someone selling drugs on the street corner, they're not going down to the courthouse and getting a warrant for that individual and coming back because, guess what? He's



not going to be there. Law enforcement make warrantless probable cause arrests every single day, as do we.

Let's also be clear about who we are lodging detainers against. As I mentioned previously these individuals are already sitting in another law enforcement agency's custody because they were arrested for a criminal violation. These are often serious, violent offenses. Yet this city's policy actually thwarts ICE from exercising its statutory authority for the protection of you and your neighbors. Unfortunately, this incongruent application of laws often results in senseless, tragic victimization such as we saw this week.

These are preventable crimes, people, and more importantly, preventable victims. Most times, we don't even know that criminal aliens are being released because these sanctuary jurisdictions won't even tell us. You know how we find out one of the criminal aliens we lodged detainer against was released? Usually it's when they get arrested again and their fingerprints bounce off the FBI's database and comes to us. We've seen recidivism rates as high as 50 percent in some of the areas in which we operate. Last year ICE lodged 7,526 detainers by our New York bureau field office. I know this PD has put out stats that are about half of that, probably because the other half of the detainers we lodged they didn't even pay attention to, they probably just put them in the shredder.

The criminals against who these detainers were lodged accounted for 17,873 criminal convictions and another 6,500 criminal charges. The crimes these individuals have been convicted or charged with included 200 homicides, over 500 robberies, over 1,000 sexual offences, over 1,000 weapons offenses, over 3,500 assaults and over 1,500 DUIs. I'll say it again, and I'll say it until I'm blue in the face. There should be nothing political about removing dangerous recidivist criminals from our streets.

It's incredibly unfortunate that there are those who value their own political self-interest over the safety and security of their constituents. It's utterly senseless. Those of you who do not know very much about sanctuary city policies, I encourage you to educate yourself fully about this issue. The facts speak for themselves as unfortunately this country is rife with tragic examples of senseless, preventable deaths. Deaths that even include cops.

Those who politicize this issue want you to believe that you have to choose between being an immigrant-friendly city and being one that cooperates with ICE. Again, that is simply false. The only immigrants protected by such policies are those committing violent and dangerous offenses, often in the same communities these politicians are purporting to protect. This is a commonsense, public safety issue. Period.

For those who think sanctuary policies will keep ICE out of their communities, nothing could be further from the truth. ICE is mandated by Congress to enforce immigration laws of this country and we will continue to do so regardless of the opposition from those who hold no allegiance to the law. On the contrary, sanctuary city policies leave ICE with no reasonable alternative but to increase enforcement in neighborhoods, workplaces, and the general public.



Strained law enforcement resources place the officers and the community at risk and ultimately result in fewer criminals being removed from our streets. Despite these challenges, it's our duty to all of you to enforce laws passed by Congress and we are not going to stop fighting to keep your community safe regardless of whatever obstacles are placed in our path.

One other common myth is that ICE performs random enforcement actions, random sweeps, or raids, as the media likes to call them. Nothing could be further from the truth. Seventy percent of the people that ICE arrests for immigration violations come to us directly from another law enforcement agency, as thankfully, the vast majority of law enforcement agencies in this country cooperate with us. Nearly nine out of 10 people that we arrest are convicted criminals of a pending criminal charge or immigration fugitives, meaning they've already had their day in immigration court and been ordered removed by an immigration judge and have failed to comply with that lawfully issued judge's order, or illegal reentrants, meaning they've been deported previously have come back illegally again which is a federal felony, and one we prosecute 7,000 times a year.

Another myth that I'll address, which shouldn't even be a myth after you've heard what I have said already, is that ICE only arrests minor offenders. That's completely false. Nothing could be further from the truth. In FY 19 we arrested 123,000 people convicted of, or charged with, criminal offenses, and these criminals accounted for almost 500,000 convictions and criminal charges, to include 1,900 homicides 10,000 sexual offenses, 1,800 kidnappings, 45,000 assaults, 74,000 DUIs, 67,000 drug-related offenses, and 8,000 gang members.

One final point that I will address is what happens to an alien once ICE arrests them. Unlike some would have you believe, they are not whisked off in the middle of the night never to be heard from again. Unless they are a fugitive, and have already had their day in court, an arrest by ICE is just the start of the process. Just as if the individuals were arrested by NYPD or any other law enforcement agency in this country, there is a defined process in which the individual has the right to a hearing before a judge with the Executive Office of Immigration Review within the Department of Justice.

They have the right to present evidence on their behalf. They can be represented by counsel. They have the ability to apply for asylum and any other form of relief of removal, of which there are many. If they don't like the ruling of the judge, they can appeal it. They can appeal to the Board of Immigration Appeals, U.S. Circuit Court, or ultimately the Supreme Court. But, at the end of that process, if the judge has ordered them removed and that removal order has been upheld through whatever appellate process the individual has availed himself of, it is ICE's sworn duty to execute that removal order. ICE must enforce the laws and rulings from an immigration judge just like any other law enforcement agency must enforce the laws of their respective jurisdictions and judges.

We are the most generous immigration system in the world and the Congress has established a robust process through which one can apply to remain here in the country even when they are



here illegally. That is something to be proud of as a nation of laws. However in order to be a nation of laws at the end of that process an order from a judge must mean something, if the rule of law is to mean anything. No other law enforcement agency anywhere in this country is being asked to ignore duly issued, lawful orders from a federal judge. We cannot and we will not shirk our congressionally mandated responsibilities.

I'll answer your questions, but I want to point to these two things on stage right here and show what they represent. So this poster over here, these are individuals where we know the detainees were declined, and they're back out on the street.

You can look at the crimes they were charged for: attempted robbery, first degree assault, second degree assault, assault causing personal injury and criminal obstruction. Here, these are ones that are in jail now. These are ones that NYPD arrested recently. For the guy in the bottom center, looks familiar. These are ones who can be released. So get to know their faces now because New York's not going to cooperate with us. So at some point they'll be back in your communities, whether it's before they get sentenced for their conviction, or even afterwards.

I got a case here that I just saw, that the great officers in this office arrested a couple weeks ago. Individual got convicted for sexual assault on an 11-year-old-kid. We told the Department of Corrections we wanted that individual. They didn't care. They released him. We went out and arrested him. So he's off the streets. So I'll say it again. We are going to do everything we can to protect these communities in which we operate. I hope the politicians in those communities join us, and find a way to work with us, to do the same.

I'll answer your questions now. Thank you.