ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

ANGEL HERNANDEZ, MARIBEL ARELLANO, ADAM LIEBER, YESSICA MONTANO, MARISSA GRANADOS, RINAWATI SULAEMAN, et al, Petitioners	§	3-12CV-1191M
Vs.	§	PETITION FOR INJUNCTIVE RELIEF FOR A CERTAIN CLASS OF IMMIGRANTS DETAINE and PROCESSED BY ICE, DALLAS
SCOTT WEBER, ICE Acting Director Dallas Field Office, NURIA PRENDES, ICE Former Director Dallas Field Office and, DANIEL WELLS, ICE, Supervisor, Alternative to Detention, Dallas Field Office	§	
BI, INCORPORATED	§	
Respondents,	§	

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
APR 18 2012
CLERK, U.S. DISTRICT COURT
By _____ Deputy

PETITIONERS' ORIGINAL COMPLAINT AND REQUEST FOR PRELIMINARY AND PERMANENT INJUNCTION AND DECLARATORY JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Petitioners ANGEL HERNANDEZ, et al, and files this their original complaint and request for preliminary and permanent injunctions and declaratory judgment against Defendants SCOTT WEBER, ICE/ERO Acting Director Dallas Field Office, NURIA T. PRENDES, ICE/ERO Former Director Dallas Field Office and DANIEL WELLS, ICE Supervisor, Alternative to Detention, Dallas Field Office, BI INCORPORATED, hereinafter referred to collectively as "Defendants," and would respectfully show the court the following:

PARTIES

1. Plaintiffs are all Noncitizen Americans (NCA)[1] currently residing in Dallas County, Texas.

2. Defendant SCOTT WEBER, is the Acting Field Office Director (FOD) of the ICE/ERO Dallas AOR Field Office, which has responsibility for the Northern District of Texas. In his official capacity, Acting FOD Weber has ultimate responsibility for ICE actions out of the Dallas AOR. He can be served at the Dallas Field Office, 8101 N. Stemmons Fwy., Dallas, Texas 75247.

2. Defendant, NURIA T. PRENDES, is the Former Field Office Director (FOD) of the ICE/ERO Dallas AOR Field Office, which has responsibility for the Northern District of Texas. In her official capacity, FOD PRENDES had ultimate responsibility for ICE actions out of the Dallas AOR. She can be served at the ICE Field Office, 8101 N. Stemmons Fwy., Dallas, Texas 75247.

3. Defendant, DANIEL WELLS, is an Immigration Enforcement Supervisor, Alternative to Detention, out of the Dallas Field Office. WELLS directly supervises many of Petitioners' cases. He can be served at the ICE Field Office, 8101 N. Stemmons Fwy., Dallas, Texas 75247.

4. Defendant BI Incorporated provides case management of Intensive Supervision Appearance Program (ISAP) participants. BI Incorporated develops implements and coordinates case management and individual service plans under a contract with ICE. Service on this defendant is not requested at this time.

STATEMENT OF THE CASE

5. This case presents a challenge to the U.S. Immigration and Customs Enforcement's (ICE'S) assertion of authority to place ankle bracelet monitors on a certain class of individuals with final orders of deportation or in proceedings while under

[1] Noncitizen American (NCA): Any individual who by and large has continuously resided in the United States for the majority of their lives, has outstanding moral character, and no criminal record that would bar adjustment of status with or without waiver under the INA and has been released on their own recognizance. Such persons can show that they are a great asset to the United States as a result of their education, work, or familial contributions. NCA's have very deep ties to the United States, are diligent in their personal and professional pursuits, and have not be a burden on society. Many undocumented immigrants embody the term "Noncitizen American" because they know one anthem and are only loyal to one oath, The Star Spangled Banner and the Pledge of Allegiance to the United States.

supervision in the United States. Currently, the ICE agency's common practice is to place ankle monitors on any individual who has final orders of deportation to leave the United States, regardless of whether they were released on their own recognizance, or deemed uncooperative by ICE in a subjective manner. Defendant BI Incorporated is a third party contractor provides case management of Intensive Supervision Appearance Program (ISAP) participants. BI Incorporated develops implements and coordinates case management under a contract with ICE.

6. In the instant cases the use of ankle monitors has become a way to incarcerate Petitioners without due process of law in violation of the Fourth Amendment of the U.S. Constitution. The use of the ankle monitors on qualified NCAs is also cruel and unusual punishment in violation of the Eighth Amendment of the U.S. Constitution. Accordingly, Petitioners seek declaratory and injunctive relief under the Administrative Procedures Act, 5 U.S.C. §706(a).

JURISDICTION AND VENUE

7. The Petitioners in this case seek damages, attorney fees and injunctive relief to protect their civil rights, and rights, privileges and immunities guaranteed by the U.S. Constitution and Title 42 U.S.C. §1983 and §1988; a declaratory judgment under FRCP 57 and 28 U.S.C. §2201 that a Moratorium be placed on ICE to prevent the placement of ankle monitors on a specific and limited class of Noncitizen Americans be immediately issued.

8. This court has jurisdiction to hear cases involving the seizure and detention of immigrants by ICE within the jurisdictional limits of Dallas ICE as written and as applied, other directives announced and imposed by ICE and its Alternative to Detention

Office and employees, and certain actions taken by the ICE office conflict with concepts of fair and equal justice under the law, and as such are preempted; that they are overbroad, vague and ambiguous, and are unlawful and unconstitutional under the United States and Texas Constitutions; that certain actions taken by ICE against law-abiding NCA's were unreasonable, arbitrary and capricious, and taken in bad faith and amounted to unconstitutional takings under the Fifth and Fourteenth Amendments that the actions were a clear abuse of discretion and unconstitutional infringements on Petitioners' Due Process guarantees, their liberty interests, and certain Freedom of Expression rights protected by the First Amendment of the United States Constitution and are therefore void. ICE has acted in bad faith pursuant to official policies and customs and under color of law at all times. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1343.

9. Petitioners have established property rights, as well as valuable interests created by the Texas Occupations Code and laws of the United States and the State of Texas.

10. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. § 1331 because it arises under the Constitution and laws of the United States. This Court has authority to grant declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202, and Rule 57 of the Federal Rules of Civil Procedure (FRCP), and FRCP 5. U.S.C. § 702, and Rule 65.

11. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events and omissions giving rise to Petitioners' claims occurred in this District.

12. Venue is proper in this judicial district because the principal custodian of the Defendants (i.e., the individuals under whose authority the ankle monitor was placed on Petitioners) is located in this District, such that this Court has jurisdiction over the Defendants' custodian.

A. Preliminary and Permanent Injunction is Proper

13. Petitioners are entitled to a preliminary injunction and a permanent injunction if (1) there is a substantial likelihood of success on the merits; (2) failure to grant an injunction will result in an irreparable injury; (3) the threatened injury outweighs any harm that may result from the injunction to the non-movant; and (4) the injunction will not undermine the public interest. *See Valley v. Rapides Parish Sch. Bd.*, 118 F.3d 1047, 1051 (5th Cir. 1997).

14. As set out herein, Petitioners are entitled to injunctive relief.

15. Defendants should be enjoined from exceeding limitations placed on them and their obvious bad-faith attempts to deprive Petitioners of their constitutional rights.

16. The Respondents should be enjoined from pursuing any further proceedings to place ankle monitors on Petitioners and the group of individuals they represent.

17. ***Likelihood of Success***- To fulfill this threshold inquiry, a movant need only demonstrate a substantial likelihood of success on the merits. See *Royal Ins. Co. of America v. Quinn-L Capital Corp.*, 3 F.3d 877, 881 (5th Cir. 1993). Evidence of Respondents' statutory and constitutional violations is plentiful and readily apparent as set out herein.

18. There is a substantial likelihood that Petitioners would prevail on the merits at trial.

19. ***Irreparable Injury***- Irreparable injury exists where a movant is deprived of his due process rights. *See Rapides Parish Sch. Bd.,* 118 F.3d at 1056. *See also United Church of the Med. Ctr. v. Medical Ctr. Comm'n,* 689 F.2d 693, 701 (7th Cir. 1982) (finding irreparable injury requirement satisfied where a movant was forced to submit to adjudication before an unconstitutionally biased public commission).

20. Petitioners have been deprived of both substantive and procedural due process guarantees under the Fourteenth Amendment, their liberty interests under the Fifth and Fourteenth Amendments. They have already endured been substantial injury, and the threat of irreparable injury is clear if an injunction is not granted in that the continued use of ankle monitors on this group of noncitizens under ICE's control will further deprive Petitioners of valuable rights and property, cost them good will and adversely affect their reputation.

21. ***Balancing the Harms***- When striking a balance between the harm to each party, the issue should be determined in favor of the movant unless the harm to the non-movant caused by granting the injunction equals or exceeds the potential injury to the movant if the injunction is denied. *See Picker Int'l, Inc. v. Blanton,* 756 F. Supp. 971, 983 (N.D. Tex. 1990).

22. There is no risk of harm to the Respondents if the injunction is granted. In fact, doing so would require Respondent to comply with their statutory and constitutional duties and obligations, and save ICE badly needed resources to deal with real criminal aliens.

23. Petitioner's injuries will greatly exceed any alleged injury Respondents may sustain as a result of issuing the injunction. The balance should be struck in favor of Petitioners so as to avoid further constitutional and statutory violations.

24. ***Public Interest***- The granting of an injunction must not disserve the public interest. *See Harris Co., Tex. v. Car Max Auto Superstores, Inc.,* 177 F.3d 306, 312 (5th Cir. 1999).

25. Issuing an injunction against Respondents would not disserve the public. In fact, it would greatly serve the public, particularly the citizens of *Dallas District of ICE*, by ensuring that constitutionally granted liberties and rights were not being arbitrarily and capriciously denied to noncitizens without first requiring the Respondent to comply with the minimum due process standards.

26. Preliminary and permanent injunctions are the appropriate and equitable remedies in this case.

FACTUAL ALLEGATIONS

27. The purpose of requesting this Court to place a permanent injunction on ICE is to prevent the Dallas Field Office from ordering ankle monitors be placed on those apprehended immigrants that are released on their own recognizance during the pendency of their immigration proceedings. The problem is that there is no consistency, or category that is currently used to guide ICE in deciding when to use the devices. They are humiliating to wear, require a two to three hour a day charge, and are a clear restraint on liberty against individuals whose rights have already been adjudicated. The category of "Noncitizen American" applies to a group of individuals who have been detained or processed by ICE in Dallas and who:

- Have been released on their own recognizance;
- Have presence in the U.S. for 5 years or more;
- Have no criminal history or felony conviction with sentence more than one-year in jail (like that which would prevent adjustment under the INA);
- Are not a flight risk;
- Are no threat to society;
- Have strong ties to the community such as church or school (per Morton Memorandum Guidelines); and,
- Have USC or LPR Family members depending on them (per Morton Memorandum Guidelines).

28. Petitioners assert that Respondents have placed ankle monitors on them in contravention of the protections afforded to them under the U.S. Constitution. Petitioners must comply with electronic-monitoring-device procedure, which Respondents have required them to wear as part of their participation in the Intensive Supervision Appearance Program (ISAP).

29. ICE has also recognized the need to find alternative methods for those classified under 236(c). On June 30, 2010 ICE released a memorandum that suggests it is reevaluating its policy regarding the treatment of vulnerable individuals who are also classified pursuant to § 236(c). The memorandum states:

30. As a general rule, ICE detention resources should be used to support the enforcement priorities noted above or for aliens subject to mandatory detention by law. Absent extraordinary circumstances or the requirements of mandatory detention, field office directors should not expend detention resources on aliens who are known to be suffering from serious physical or mental illness, or who are disabled, elderly, pregnant, or nursing, or demonstrate that they are primary caretakers of children or an infirm

person, or whose detention is otherwise not in the public interest. To detain aliens in those categories who are not subject to mandatory detention, ICE officers or special agents must obtain approval from the field office director. *If an alien falls within the above categories and is subject to mandatory detention, field office directors are encouraged to contact their local Office of Chief Counsel for guidance.* (emphasis in added).[2]

A. Request for Relief

31. Petitioners request that this Court place a permanent Injunction on the ICE Dallas Field Office from the further use of electronic monitoring through the use of electronic ankle devices of surveillance and control for certain individuals subject to § 236(c) who do not pose a danger to the public, and who do not require institutional detention to ensure their appearance at removal proceedings.

32. Petitioners request this court to issue a Cease and Desist order against ICE from placing ankle monitors on noncitizens described herein as qualified under § 236(c), but who have no criminal record, and specifically meet the following criteria:

- Have been released on their own recognizance;
- Have presence in the U.S. for 5 years or more;
- Have no criminal history or felony conviction with sentence more than one-year in jail (like that which would prevent adjustment under the INA);
- Have been determined to pose no flight risk;
- Are no threat to society;

[2]John Morton, Assistant Secretary ICE, "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens," June 30, 2010, *available at www.ice.gov/doclib/civil_enforcement_priorities.pdf.*

- Have strong ties to the community such as church or school (per Morton Memorandum Guidelines); and,
- Have USC or LPR Family members depending on them (per Morton Memorandum Guidelines).

33. In the alternative, Petitioners ask that a less intrusive device be implemented and placed on them. A wide array of such devices are already in use in other parts of the country and in Dallas, including; watch size electronic monitor wrist bands, downloadable GPS cell phone applications, or properly scheduled and predictable reporting times for petitioners to contact or be contacted by ICE, especially those with work or family obligations. This is a proper consideration, as electronic monitoring devices were meant to be used on criminals, not those individuals that Petitioners represent.

34. In 1996, Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), it added § 236(c), which states that the Attorney General "shall take into custody" aliens who are inadmissible or deportable as a result of certain criminal convictions or past criminal behavior.

35. These options, specifically the use of electronic monitoring and other GPS-based technologies, home curfews, and home detention currently provide substantial cost-savings for the federal government given the high cost of institutional detention.

36. This petition presents the court with the question of whether DHS has the legal authority to use electronic monitoring and other surveillance and control methods instead of institutional detention for individuals who are distinct from those classified under § 236(c).

37. The purpose of this request for permanent injunction is to prevent the ICE Dallas Field Office from further ordering ankle monitors be placed on those apprehended immigrants in civil-immigration proceedings, that are released on their own recognizance. The problem is that there is no consistency, or categorical approach currently being used to guide ICE in deciding who should wear the devices. In fact, Petitioners assert that ICE's use of the monitoring devices as a punishment, as a way to inflict discomfort and humiliation on noncitizens that have committed no criminal conduct, pose no danger to the community, and have not been deemed a flight risk, is plain wrong. For a noncitizen facing a criminal conviction, the devices are clearly beneficial, however, the effects are different for a non-criminal immigrant in ICE's custody. Petitioners will show that the electronic monitoring devices are humiliating to wear, require a two to three hour a day charge (often longer), and are a clear restraint on liberty against individuals whose rights have already been adjudicated, and who have been determined to be safe and responsible, and have no incentive or place to flee. Petitioners refer to themselves and others in their unique position as "Noncitizen American," they have been harmed because they were detained or processed by ICE in the District of Dallas, Texas and are currently required to wear the devices. The distinction for this class or group has been carefully carved out and specifically pertains to those Noncitizens who:

- Have been released on their own recognizance;
- Have presence in the U.S. for 5 years or more;
- Have no criminal history or felony conviction with sentence more than one-year in jail (like that which would prevent adjustment under the INA);

- Have been determined to pose no flight risk;
- Are no threat to society;
- Have strong ties to the community such as church or school (per Morton Memorandum Guidelines); and,
- Have USC or LPR Family members depending on them (per Morton Memorandum Guidelines).

38. Petitioners assert that Respondents have placed ankle monitors on them in contravention of the protections afforded to them under the U.S. Constitution. Petitioners must comply with electronic-monitoring-device procedure, which Respondents have required them to wear as part of their participation in the Intensive Supervision Appearance Program (ISAP). Many times the ankle monitors are placed on Respondents in a very sneaky manner. Respondents are told to report to ICE but they are not told that ICE plans to place an ankle monitor on them. This allows ICE to place the ankle monitors on Respondents without giving them the opportunity to discuss the matter with Counsel. This process also deprives Counsel of the opportunity to object to the placement of the ankle monitors. In addition to the above, many times an ankle monitor is placed on a Respondent but they are not given updated orders of supervision reflecting the change in the situation. This makes it difficult for Respondents since there may be a change in reporting procedures that they are not aware of that becomes a problem for Respondent later on because they were not aware of the change in procedure.

39. Petitioners remind the Court that nowhere in the INA or immigration regulations is the use of new detention tools, such as ankle monitors, contemplated. Apparently then, the limits of ICE's use of ankle monitors has yet to be determined. For this reason, Petitioners challenge Respondents to cite the legal authority that directly addresses

DHS's discretion to use these alternatives for the § 236(c) population? Thus, this urgent request to place a permanent injunction on Respondents against the use of ankle monitors on the specific group of immigrants represented by Petitioners, is likely of first impression.

B. *Use of Electronic Monitoring in the U.S. Under § 236(c)*

40. The question whether this Court has legal authority to enjoin ICE from placing certain aliens subject to § 236(c) on electronic monitoring is one of first impression that is not directly addressed in statute or governing regulations. The INA and immigration regulations do not make any reference to electronic monitoring, home detention, or the use of other surveillance and control methods. Most likely this is due to the newness of such programs, at least in the immigration field.[3] When IIRAIRA was enacted, INS had *fewer enforcement* tools and resources to ensure that people appeared for their immigration proceedings. The choices were essentially jail or bond. Electronic ankle monitors, voice recognition, and other technologies that use global-positioning are a recent development in immigration law, many unstudied psychological and emotional effects have yet to be studied, especially for the group of noncitizens Petitioners represent.

41. At the time § 236(c) was enacted, electronic monitoring and the use of other *sophisticated technologies* were not even contemplated within the immigration enforcement context. The increasing use of electronic monitoring in the immigration

[3] The INA contemplates the use of bond, parole, and orders of supervision. *See e.g.*, §§ 236(a), 212(d)(5)(A), 236(c), 241(a)(3). Under these provisions, tools for minimizing flight risk include payment of bond, in-person reporting requirements, updating contact information, limits on travel, and submission to medical or psychiatric exams, and reasonable restrictions on conduct or activities. *Id.*; *see also* 8 CFR §§ 212.5(d); *241.5*. Neither the statute nor regulations mention electronic monitoring or the use of other technologies for surveillance or home detention.

enforcement context gives rise to the novel question of ICE's authority to choose how, where, and how long to hold someone in custody.

42. Since U.S. immigration agencies began using electronic monitoring, as an alternative to imprisonment, there has been growing concern that the constitutional rights of offenders are being violated, for example, electronic monitoring may infringe on an immigrant's rights to privacy and equality under the law. While the constitutionality of electronic monitoring of criminal offenders has been affirmed and these issues are no longer the focus of much debate, a Constitutional question remains about the unregulated practice of placing ankle monitors on law-abiding Noncitizen American immigrants. A particular area includes those NCA's who have been released from Immigration and Customs Enforcement (ICE) custody[4] on their own recognizance, and despite their adjudicated liberty, ICE forces them to wear electronic ankle monitors. Petitioners assert the general rule that offenders should not be afforded the same degree of constitutional protection as other citizens applies to criminal law, but should not apply to law-abiding Noncitizen Americans.

43. The implementation of electronic monitoring programs for criminals began in the early 1980s. Since the advent of 9/11 and the Patriot Act, the Real ID Act, and other deep changes in immigration law, issues related to the social impact of electronic

[4] INA § 236(c)(1) states:
(1) Custody.—The Attorney General shall take into custody any alien who—
(A) is inadmissible by reason of having committed any offense covered in section 212(a)(2),
(B) is deportable by reason of having committed any offense covered in section 237(a)(2)(A)(ii), (A)(iii), (B), (C), or (D),
(C) is deportable under section 237(a)(2)(A)(i) on the basis of an offense for which the alien has been sentenced to a term of imprisonment of at least 1 year, or
(D) is inadmissible under section 212(a)(3)(B) or deportable under section 237(a)(4)(B),

monitoring on the immigrants that were detained by ICE and their families have persisted.

44. The popular perception that monitored offenders tolerate and prefer the restraints placed on them by ankle monitors to incarceration is based on the assumption that they would have been sent to prison were it not for electronically monitored supervision. Numerous studies on criminals subject to wearing a monitoring bracelet have been conducted; it appears that most offenders find electronic monitoring to be an acceptable form of community supervision, even though certain aspects of the programs (time restrictions, phone calls in the night, etc.) were sources of stress. Accordingly, where an offender believes that he would have been given a custodial sentence, he would be less likely to feel that electronic monitoring was intrusive or the source of great hardships for himself or for his family. However, in contrast, if the monitored offender believes that he would have otherwise received regular probation, he would be more likely to find electronic monitoring to be intrusive and stressful. Although electronic monitoring programs were intended to reduce prison populations, they were also intended to be used on criminals that pose a danger to society or some other risk of endangerment, issues that are not related to an individual who has been released from ICE' custody on their own recognizance.

C. The Rapid Growth of Immigration Detention

45. In the past two decades the federal immigration detention system operated by former Immigration and Naturalization Service (INS) and now by the Department of

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when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation,

Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) has grown dramatically. In FY 1994, 81,000 persons were held in institutional detention facilities for immigration enforcement purposes. For FY 2011, ICE detained nearly 500,000—or more than five times the 1994 number.[5] For FY 2011 the total projected budget for ICE's detention and custody operations was approximately $1.9 billion.[6]

46. The DHS/ICE detention system is a complex system that is further convoluted by an whole cadre of Constitutional and Human Rights considerations and issues. DHS currently funds some seven Service Processing Centers owned by ICE and operated by private industry, seven Contract Detention Facilities owned and operated by private industry, and a network of several hundred state and local jails contracted through Inter-Governmental Service Agreements (IGSAs).[7] Combined, ICE currently has a capacity to hold approximately 33,400 individuals in jail-like facilities on any given day.[8]

47. However, all these resources seem insufficient to feed ICE and DHS' insatiable appetite for detaining all kinds of undocumented immigrants. What's more, DHS continues to insist that there are not enough jail cells and that the government should pay to buy more, the spending is completely out of control. Petitioners ask this Court for relief not only for the sake of their own mental health, but also to save taxpayer funds. Surely each new bed is on loan from some foreign or private source of funds, the

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and without regard to whether the alien may be arrested or imprisoned again for the same offense.

[5] DHS Office of Inspector General Letter Report OIG-10-13, "Immigration and Custom Enforcement Policies and Procedures Related to Detainee Transfers," (Nov. 2009).

[6] *See* Department of Homeland Security, Immigration and Customs Enforcement, Fiscal Year 2011, Overview, Congressional Justification, p. ICE-3.

[7] "Immigrant Detention Centers," *New York Times*, February 23, 2010, *available at www.nytimes.com/interactive/2010/02/23/nyregion/20100223-immig-table.html.*

government has spent billions on detaining immigrants, but has yet to make one-dime back. Just because electronic monitoring is cheaper and less restrictive, does not make it just or proper. Petitioners represent a class of nonresidents that feel harmed by ICE's ghost protocol, and demands that clear guidelines be followed in utilizing these devices. The whim of an ICE agent should not be the measure by which these humiliating devices are issued.

48. Obviously, Petitioners are not arguing whether an ankle monitor is better than jail time. That point is clear, Petitioners are asking this Court to embrace the concept that an immigrant's right to be free from cruel and unusual punishment is distinct from an inmates in court challenges of prison conditions. For a criminal, opposition to ankle monitors is seldom used in reference to probation, parole, and other types of community-based supervision. In the criminal law sense, the use of an ankle device has not been seen to violate the cruel and unusual punishment standard used by the courts in corrections cases. Its effects are not viewed as oppressive and it does not subject the user to humiliation or degradation. When a criminal is faced with incarceration, ankle monitors are seen as less restrictive and more humane. But there is more at stake for an immigrant who has been determined by ICE to pose no flight risk or to be a threat to society, who has been released on their own recognizance and has work, family and a life to attend to.

D. When Used on Criminal Aliens, Electronic Monitoring and Other Surveillance Methods Are Effective

[8] Department of Homeland Security Appropriations Act, 2010, Pub. L. No. 111-83, 123 Stat. 2141, 2149 (2009) ("funding made available under this heading shall maintain a level of not less than 33,400 detention beds through September 30, 2010").

49. Petitioners do not argue that ICE's ISAP programs have not been very successful in ensuring that individuals appear at removal proceedings.

50. ICE currently uses electronic monitoring devices, including GPS-enabled ankle monitors.[9] ICE also uses electronic voice recognition requiring that the individual be present at a specific location, usually their home, to receive a phone call generated by a machine that can recognize the person's voice. In addition to electronic monitoring, ICE typically employs home curfews, home visits, and other methods to verify the individual's location.

51. Ankle devices are about five inches square and generally cannot be concealed under one's clothing. They also require frequent charging and therefore restrict an individual to a location with a wall outlet for several hours. The ankle monitors used in the ICE ISAP programs are the same as those placed on parolees convicted of serious violent crimes like rape or sexual assault. Except that Petitioners represent a group of Noncitizens whose rights have been adjudicated and were released on their own recognizance pursuant to a future hearing, pending adjustment of status, or in anticipation of deportation voluntary or otherwise.

52. Petitioners plead the Court to place a judicial restriction on ICE Dallas to protect the rights and dignity of the group of individuals they represent, and find them worthy of human treatment under the law. These individuals have been found to have violated

[9] Ankle devices are about five inches square and generally cannot be concealed under one's clothing. They also require frequent charging and therefore restrict an individual to a location with a wall outlet for several hours. The ankle monitors used in the ICE ATD programs are the same as those placed on parolees convicted of serious violent crimes like rape or sexual assault. National Immigration Law Center, "How Advocates Prepared for And What They Learned From Recent Raids in Van Nuys," *available at* *www.nilc.org/immsemplymnt/wkplce_enfrcmnt/wkplcenfrc025-h.htm*. Daniel Zwerdling, "Electronic Ankle Monitors

civil-immigration laws, and humbly submit to this court that they are not criminals. An evaluation of the INS Appearance Assistance Program (AAP)[10] concluded that even for many criminal aliens, institutional detention was not necessary in the overwhelming majority of cases to ensure appearance at immigration proceedings and protect public safety:

53. "These results indicate that mandatory detention of virtually all criminal aliens is not necessary and that some can be released to supervision at both levels of intensity [as used by the AAP]. The results also indicate that among those criminal aliens the INS released—whether to supervision, bond, or recognizance—most characteristics and situations existing prior to release did not correlate with appearance, and this includes criminal history to the limited degree we can measure it."

54. Thus, it is reasonable for Petitioners to request injunctive relief by asking this Court to impose clarification to ICE's rouge ankle monitor policy.

E. Properly Classifying Custody, Detention, and Release

55. The Supreme Court's decision in *Reno v. Koray*, 515 U.S. 50 (1995) called for a categorical approach when making determinations about what constitutes "custody" "release," or "detention." Based on *Koray*, the proper approach is to consider whether an alien remains in DHS's legal custody and whether DHS has authority over the conditions of confinement rather than an analysis of the specific factual conditions of confinement.

Track Asylum Seekers in the U.S.," National Public Radio, *available at* www.npr.org/templates/story/story.php?storyId=4519090.

[10] Eileen Sullivan et al., "Testing Community Supervision for the INS: An Evaluation of the Appearance Assistance Program, Final Report to the Immigration and Naturalization Service," Executive Summary, August 1, 2000 (cited herein as Vera AAP Evaluation), *available at www.vera.org/content/testing-community-supervision-ins-evaluation-appearance-assistance-program.*

However Petitioners argue that the ICE Field Office, under the direction of Respondents, has abused its discretion by treating immigrants in civil-immigration proceedings exactly the same as immigrants facing criminal charges.

56. Essentially, Petitioners represent a highly responsible and law-abiding group of undocumented immigrants in the U.S. The stories of their arrival to the U.S. begin with some condition that required them to seek refuge or opportunity for a better life. The circumstances of how ICE came to take them into custody are well documented by agency reports. Many of these noncitizens were detained in an ICE facility for a period of time. All of them were released on their own recognizance and had ICE had no traditionally criminal reason for taking them into custody. They are guilty of living in the U.S. without proper documentation or authorization, but pose no criminal threat to society. Several federal court rulings have held that DHS's authority to confine a person in institutional detention is not unlimited. To avoid raising a constitutional question, DHS interprets § 236(c)'s "in custody" mandate as extending for only six months while removal proceedings are pending, after which time an individualized bond hearing is required.

F. Criminal Punishment for Civil Immigration

57. For a criminal defendant, assessing the impact of electronic monitoring on offenders' families, there is often an underlying assumption that the offender would have been incarcerated but was placed in a monitoring program instead. Compared to incarceration, then, electronic monitoring seems to benefit families. However, if we take into account the possibility that the offender might have been given probation without

electronic monitoring, the perceived benefits of monitoring vanish. Unmonitored probationers are allowed to remain in their homes, care for their children and keep their jobs. Herein lies the crux of the issue before the court, is it a justifiable investment for the government to allow ICE to indiscriminately place these electronic bracelets on law-abiding Noncitizen Americans? At what point does it become an abuse of force or simply a bad investment to place and monitor individuals without any guidelines or regulation?

58. The rationale for the introduction of electronic monitoring was that its use would reduce the number of offenders in custody while providing a greater degree of surveillance for offenders in the community. In theory, this rationale is plausible: thousands of custody-bound offenders could be diverted from custody and be monitored to ensure compliance with the conditions of their supervision orders. In criminal law, court orders are issued to comply with procedure prior to placing a monitoring device on a defendant. Since the cost of monitoring an offender is less than the cost of housing him in a correctional facility, electronic monitoring is touted as saving taxpayers a significant amount of money. But the petitioners direct the Court's attention to the lack of success that monitoring programs have had in significantly impacting incarceration rates. Why then, is it unreasonable to ask ICE to account for pouring huge amounts of additional taxpayer dollars on purchasing these ankle monitors from private vendors?

59. Electronic monitoring for law-abiding NCAs is also problematic because its use has been adapted from and justified by its use on criminal offenders awaiting trial, on probation, on temporary absences from correctional facilities, on parole and those sentenced to home confinement. Another major issue is that these ankle monitors are

placed on NCA adults and youths of all risk levels, not just those who are moderate to high risk. It is well settled that applying the same measure to many different types of offenders runs counter to the principle of proportionality - that a punishment must fit the crime and the offender's criminal history. How can it be fair that a first-time, low risk offender is given the same treatment as a high-risk offender with a long criminal record? What is the point of placing a low risk NCA under such restrictions when they were already released from custody on their own recognizance? What is the reasoning behind ICE's recidivate treatment toward immigrants, who never were criminals, is electronic surveillance necessary to correct the behavior of these individuals? Is deportation not incentive enough?

60. Additionally, the Court should question the appropriateness of electronic monitoring for pre-trial offenders who are presumed not guilty until the court reaches a conviction. Should those not yet found guilty of any offense be treated in the same manner as those who have been convicted of a crime? Most jurisdictions target only one or two groups of offenders, but the point remains that electronic monitoring is touted as a correctional option for virtually everyone who commits a crime. But does that make it appropriate for every type of offender? Is it even legal for ICE to apply such a broad brush to the treatment of humans in its custody? *See Nguyen v. B .I. Inc.*, 435 F.Supp.2d 1109 (D.Or.2006) (regulations requiring participating aliens to remain in their residences between eight and 12 hours per day was not "detention" outside the statutory authority of the Immigration and Customs Enforcement (ICE) to impose reasonable restrictions on an alien's conduct or activities that the Secretary of Homeland Security prescribed for the alien; placement in ISAP was a form of supervision that used no physical restraints or

surveillance, both of which were typical characteristics of detention, and even if ISAP were considered detention, it was less restrictive on participants than living in a federal detention center).

G. Consent and Ankle Monitor Abuse

61. Traditionally, consent is seen to play a major role in determining the legal acceptability of electronic monitoring. Usually, in criminal law, to be effective, consent must be without coercion and fully informed. The typical offender is not well educated, so it becomes particularly important that a clear explanation be provided as to why the monitor is being placed on a person and what the alternatives to the device are. Clearly, with today's technological advances, NCA's could be given the option of downloading a monitoring application to their cell phone or be given devices that are smaller and less intrusive or that can be removed for dignified living activities such as attending church or swimming with their child at a community pool. Also, it must be clearly understood by the participant that the use of the device is an alternative, that there are consequences for violations and exactly what those consequences are. The participant should not only understand the terms of the monitored release, but also agree with them. However, in ICE's high-volume world of immigrant detention, these warnings are rarely given.

ARGUMENTS AND AUTHORITIES

62. When an alien, subject to a final order of removal, is released on an order of supervision he remains subject to the conditions of supervised release set out in 8 U.S.C. § 1231(a)(3) and 8 CFR § 241.5 (2007). In the event he fails to comply with the conditions of release, he will be subject to criminal penalties, including further detention. 8 U.S.C. § 1253(b). *See Zadvydas v. Davis,* 533 U.S. 678, 695, 121 S.Ct. 2491, 150

L.Ed.2d 653 (2001) ("[W]e nowhere deny the right of Congress ... to subject [aliens] to supervision with conditions when released from detention, or to incarcerate them where appropriate for violations of those conditions"); *see also Clark v. Martinez,* 543 U.S. 371, 387-388, 125 S.Ct. 716, 160 L.Ed.2d 734 (2005) (applying *Zadvydas* standard and above quote to inadmissible aliens).[2] *See also Mermikwu v. Gonzales,* 3:06CV1627 M, 2007 WL 530228 (N.D. Tex. Feb. 21, 2007)

63. The regulatory provisions set out at 8 CFR § 241.5(a) specify that an alien can be subjected to conditions of supervision including, but not limited to, the following:

> (1) A requirement that the alien report to a specified officer periodically and provide relevant information under oath as directed;
>
> (2) A requirement that the alien continue efforts to obtain a travel document and assist the Service in obtaining a travel document;
>
> (3) A requirement that the alien report as directed for a mental or physical examination or examinations as directed by the Service;
>
> (4) A requirement that the alien obtain advance approval of travel beyond previously specified times and distances; and
>
> (5) A requirement that the alien provide the Service with written notice of any change of address on Form AR-11 within ten days of the change.

64. The conditions of supervision to which Petitioners are presently subjected in having ankle monitors placed on them involuntarily or by lack of information or explanation are unreasonable and fall outside of the scope of 8 CFR § 241.5(a). While the court may not find it burdensome to require Petitioners to report daily by telephone, even if Petitioner has to maintain a phone line that meets specific requirements. And that likewise requiring Petitioner to report biweekly in person at ICE's office is within the scope of reasonable conditions. And, even the fact that Petitioners and their families may

have to provide and pay for the requisite transportation is not against the acceptable standard applied by the code. However, Petitioners argue that ICE's indiscriminate use of ankle monitors without guidelines, consent or proof of risk, is unconstitutional, an overly-broad application of the law, and an abuse of discretion.

A. No Adequate Remedy at Law

65. In the case of NCAs, Defendants' use of the ankle monitors exceeds their Constitutionally limited powers in violation of the Petitioners' Constitutional Rights. Petitioners have no plain, adequate or complete remedy at law to address the wrongs described herein. The injunctive and declaratory relief sought by Petitioners is necessary to prevent continued and future injury to them and other law-abiding NCAs. The injunctive and declaratory relief sought by Petitioners is necessary so that the Court can order Defendants to stop this inappropriate behavior, and so that others who qualify under NCA status will not be subject to the cruel and unusual punishment that Petitioners have been forced to endure.

B. Declaratory Relief

66. Petitioners repeat and reallege each and every allegation in the above Paragraphs.

67. Declaratory relief is appropriate where there is a challenge to an ongoing and underlying policy, which is not merely the result of an isolated incident. *See Harris v. City of Houston,* 151 F.3d 186, 191 n.5 (5th Cir. 1998). The movant must only show the existence of an immediate and definite action or policy that has adversely affected and continues to affect a present interest. *See Super Tire Eng'g Co. v. McCorkle,* 416 U.S. 115, 125-26 (1974).

68. As established herein, Defendants are perpetuating an arbitrary and capricious policy of making legislative and adjudicative decisions as to Plaintiff's constitutionally protected speech, liberty, property and due process interests without adhering to any statutory or constitutional mandates.

B. Depravation of Liberty

69. Defendants' use of the ankle monitors in these cases caused Petitioners prejudice by unreasonable taking away, limiting and otherwise impacting their liberty without due process in violation of the Fifth Amendment. As a proximate cause of Defendants' regulations, policies, practices, acts, and omissions Petitioners suffered an unreasonable deprivation of their liberty. As stated above, Petitioners have no plain, adequate or complete remedy at law to address the wrongs described herein. The injunctive and declaratory relief sought by Petitioners is necessary to prevent continued and future injury, and the injunctive and declaratory relief sought by Petitioners is necessary so that by the Court's order, Defendants' will be compelled to discontinue this overly broad abuse of power, which has deprived Petitioners, and others like them, of their liberty.

C. Many Noncitizens Classified Under § 236(c) Are Ideal Candidates for Category Proposed by Petitioners

70. Many individuals who ICE classifies under § 236(c) pose no safety threat, have been identified as posing no flight risk, or threat to national security. For example, lawful permanent residents may be classified under § 236(c) for convictions for petty crimes and misdemeanors. Such individuals are neither a danger to society nor a flight risk, and yet they are regularly held in institutional detention for months, costing the government millions of dollars and doing nothing to increase the security of our communities. Other

cases involve those who committed more serious crimes years ago but have long since completed their criminal sentences, been rehabilitated, and become law-abiding members of their communities. Furthermore, it is not uncommon for individuals to spend months in immigration detention on account of a criminal conviction for which no jail time was ever imposed.

71. Among those classified under § 236(c), many have strong, long-term ties to their communities and are the sole economic support for their families. Depending on their individual circumstances, they could be eligible for relief from removal under § 212(h), for cancellation of removal, relief under the Convention Against Torture, and other forms of relief. For example, a lawful permanent resident with a minor conviction would be a strong candidate for cancellation of removal, but if she is subject to § 236(c), she will likely spend, at a minimum, several months in a detention facility or on electronic monitoring surveillance, which will cause them to spend time away from her job, family, and other commitments, resulting in severe economic and emotional consequences for these noncitizens and their loved ones. Importantly, Petitioners and those for whom they seek relief are low flight risks because they have strong incentives to appear at court.

FEDERAL INTERVENTION ALLOWED

72. ***Exhaustion of Remedies***- Exhaustion of state and administrative remedies is not a perquisite to bringing an action pursuant to 28 U.S.C. § 1983. *Patsy v. Board of Regions*, 457 U.S. 496, 516 (1982). Petitioner's Constitutionally guaranteed liberty and freedom of speech interests loom as large in this action, as they pertain to the procedural and substantive due process claims.

73. ***Abstention-*** When a governmental agency is pursuing a proceeding in bad faith, then federal injunctive relief is appropriate *Bishop v. State Bar of Texas,* 736 F2d 292, 293 (5th Cir. 1984); *Fitzgerald v. Peek,* 636 F2d, 943, 945 (5th Cir. 1981) (finding bad faith where prosecutor was improperly influenced by judges to pursue indictments); *Shaw v. Garrison,* 467 F.2d 113, 120 (5th Cir. 1972) (holding "that a showing of bad faith or harassment is equivalent to showing of irreparable injury...[and] there is a federal right to be free from bad faith prosecutions"). In *Bishop,* the court specifically recognized that,

> "[a]lthough Texas disciplinary proceedings are capable of deciding constitutional challenges to specific procedures, recourse in those proceeding is not a sufficient avenue to remedy the constitutional injury done by bad faith proceedings themselves. The right under *Shaw* is to be free of bad faith charges and proceedings, not to endure them until their speciousness is eventually recognized." 736 F.2d at 294.

74. In this case, there is not a pending state court proceeding that would allow Petitioners to raise these constitutional challenges. The federal court's policy of non-interference is generally applied when there is a pending state court action (*Bishop,* 736 F2d 293). Since there is not a pending state court action in which the Petitioners can assert their constitutional claims, the abstention doctrine does not apply.

75. If this court does not hear this matter, the Petitioners' only recourse will be to endure bad faith enforcement procedures which will result in overly burdensome restrictions, and will require Plaintiff to avoid a lawful livelihood, thus resulting in his being forced to surrender valuable property and liberty interests.

76. One test of bad faith is to look at the totality of the circumstances and determine if they warrant a finding of bad faith. *Davila v. State of Texas,* 489 F. Supp. 803, 809-10 (S.D. Tex. 1980). This is the same test the court in *Shaw* utilized in criminal matters. The court in *Shaw* outlined a course of conduct by the prosecutor that constituted bad faith. The conduct the court in Shaw considered evidence of bad faith included:

a. a history of pursuit;

b. rationale for beginning investigation;

c. extreme measures for extracting evidence;

d. publicity;

e. inconsistent treatment;

f. lengths prosecutors went to prove case. *See Shaw* 460 F.2d 113.

77. The Shaw case provides a good road map for the type of conduct that should constitute bad faith in a bad faith mandate enactment. This Court should use this road map and apply it to the following facts including, but not limited to its history of:

a. repetitive violations of the laws that govern a governmental agency;

b. acting outside of their statutory grant;

c. failure to provide a meaningful hearing;

d. failure to provide procedures to provide a fair and adequate hearing;

e. inconsistent treatment.

78. After considering these factors, the Court should come to the same conclusion the court did in Shaw; the mandate of using ankle monitors have been enacted and are being vigorously pursued in bad faith and in defiance of Petitioners' due process.

79. Because there is no presently pending state court action, and because the ICE Dallas Field Office is acting in bad faith, Petitioners satisfy the exceptions to the doctrine of abstention and therefore, are entitled to federal relief at this time. At an absolute minimum, the court should grant a hearing on the request for preliminary injunction to preserve the status quo until a full, evidentiary hearing can be held to determine the true nature of the ICE's unlawful actions.

80. Finally, the court must consider the exception to the abstention doctrine discussed in *Gibson v. Berryhill,* 411 U.S. 564 (1973). In *Gibson* the Supreme Court determined that abstention was not required because the individuals prosecuting the matter had a pecuniary interest. *Id.* At 579.

81. ***Public Interest-*** When deciding whether to grant a preliminary injunction, the Court must consider public interest in terms of consequences to non-parties of granting or denying a temporary injunction *Duct-O-Wire Co. v. U.S. Crane, Inc.,* 31 F.3d 506, 509 (7th Circ. 1994). The granting of a preliminary injunction should not disserve the public interest. *Sierra Club,* 112 F.3d at 793. The granting of a preliminary injunction in this case will not disserve any public interest. If anything, it will benefit the public by preserving the integrity of the ICE's mandate-making process by requiring it to properly define those enforcement actions it is empowered to adopt. As well, there are non-parties affected by ICE's arbitrary and capricious conduct, thus subjecting them to possible criminal sanctions, civil liabilities and loss of good will in the community.

82. Enclosed with this motion is Exhibit A. This is a Mission Statement from Dallas ICE/ERO. Petitioners find this Mission Statement repugnant and unconstitutional. The statement says, "Non-Detained and Alternatives to Detention Unit utilizes flight-

mitigation tools that uses technology and case management to increase compliance with release conditions . . ." Petitioners are by definition persons who have been released on their own recognizance. This in itself indicates that there is absolutely no need for flight-mitigation tools in Petitioners' cases. The Mission Statement also states that, "the flight-mitigation tools that uses technology and case management to increase compliance with release conditions. . ." Again by definition someone who has been released on their own recognizance needs no help in compliance with release conditions. Petitioners' behavior in itself indicates that these measures are not necessary in the instant cases.

83. Another problem with the ankle monitors in question is the fact that ICE is using antiquated technology in these cases. The ankle monitors weigh approximately 8.7 ounces and are attached to one's ankle. Some of the more petite Petitioners were actually physically injured because the monitors were too heavy. While not conceding the right of ICE to place monitors on Petitioners, Petitioners would point out that there is modern technology that make these monitors much more user friendly. There are monitors about the size of a wrist watch which would accomplish the same thing as the ankle monitors being used by ICE. ICIE feels that ICE has made a huge contract with defendant BI Incorporated. ICIE feels that ICE purchased too many monitors and ICE has not been able to catch enough criminals to use all of the ankle monitors. As a result of this ICE is unconstitutionally placing ankle monitors on Non-Citizen Americans.

84. The other issue we are dealing with is the fact that the ICE monitors have to be recharged in one place two to three hours per day. This is one of the factors that drive this over the line to become cruel and unusual punishment. The newer ankle monitor technology allows a battery to be recharged while one moves around the house. There is

no need to plug oneself into the wall in one place for two to three hours per day. When one looks at the technology that ICE uses versus the technology that is available, it seems that the plan from ICE's point of view is to make this process so difficult that people would rather leave the United States than deal these monitors. ICIE was in fact told by ICE agent Kelie Walker that the purpose of these ankle monitors was to encourage people to leave the country. This was never the reason for these ankle monitors.

85. Another case involved a situation where ICE required that a Non-Citizen American mother get United States Passports for her United States Citizen children in order to get her ankle monitor removed. The conditions that ICE places Non-Citizen Americans to get the monitors removed are virtually impossible to meet.

B. Conclusion

86. As explained above, this Court has the legal authority to enjoin ICE from using such alternatives to institutional detention as electronic ankle monitors. Petitioners have been harmed by ICE due to their status as noncriminal aliens under ICE's control and supervision, and as such should be treated differently than individuals with criminal charges or convictions subject to § 236(c). With cost-saving and effective alternatives available, it makes little sense for ICE to rely exclusively on cumbersome and intrusive ankle monitors for what is a highly diverse population with varying levels of need for confinement and supervision. As has been made abundantly clear by the criminal justice system, less restrictive and resource-intensive forms of custody can both ensure public safety and guarantee attendance during court proceedings. For many individuals electronic monitoring and alternative methods are sufficient to ensure both public safety and attendance at removal hearings, but for Petitioners and those like them, ankle

monitors are often an unnecessary investment, ICE can only justify the investment by embarrassing and discomforting individuals in an already difficult position.

87. Finally, since so many people are in Petitioners' situation, Petitioners ask that the Court certify that this motion be classified as a class action lawsuit.

PRAYER FOR RELIEF

87. WHEREFORE, PREMISES CONSIDERED, Petitioners pray for the following relief:

a. Preliminary and Permanent Injunctive Relief against Defendants, enjoining ICE from taking any further unlawful or unconstitutional actions against Petitioners, and those they represent, with respect to the further use of ankle monitors on the class of individuals described herein as Noncitizen Americans;

b. A declaration that the conduct of the Defendants violated and continues to violate Plaintiff's enumerated constitutional rights; the Ordinances are unconstitutional as written and as applied to Plaintiff; that the City was overly vague in their enactment and has failed to provide sufficient procedural guidelines, and in such failure violates Plaintiff's rights to due process and liberty interests; that the City has failed to adopt and properly delegate rule-making or permit issuing authority, or procedures sufficient to protect Plaintiff's constitutional rights for adequate notice and fair and impartial hearings; and, that the City must prepare and enact adequate procedural rules and regulations for its administrative processes;

c. Petitioners request compensatory and punitive damages as set forth herein. Petitioners have been harassed, threatened and have compromised time, money and

family. They have had to hire an attorney to defend wrongful treatment by ICE and have been publicly ridiculed by governmental agents for pursuing a better life;

d. Cost and reasonable attorney's fees; and

e. Issue injunctive relief sufficient to rectify these statutory and constitutional violations by granting this and such other relief to Petitioners as this Court deems just and proper.

Respectfully Submitted,

Arturo Rodriguez, III
Texas State Bar No.: 00791550

Isenberg Center for Immigration Equality
400 S. Zang Boulevard, Suite 1220
Dallas, Texas 75208
Telephone: 214-948-0500
Fax: 214-948-9300
ATTORNEY FOR PETITIONERS

Date: 4-18, 2012

CERTIFICATE OF SERVICE

I certify that on this date a copy of this instrument was served by certified mail return receipt requested addressed to:

Department of Homeland Security
U.S. Immigration and Customs Enforcement
125 E. John Carpenter Freeway, Suite 300
Irving, Texas 75062

Date: 4-18-12 Signed: _____
Arturo Rodriguez, III

I certify that on this date a copy of this instrument was served through the Texas Secretary of State on:

BI Incorporated
8400 Lookout Road
Boulder, CO 80301

Date: 4-18-12 Signed: _____
Arturo Rodriguez, III

Exhibit A

U.S. Immigration and Customs Enforcement

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
Dallas Field Office
8101 N. Stemmons Fwy
Dallas, TX 75247

Mission Statement:

"Non-Detained and Alternatives to Detention Unit utilizes flight-mitigation tools that uses technology and case management to increase compliance with release conditions, facilitate alien compliance with court hearings and final orders of removal while allowing aliens to remain in their communities and to take timely and appropriate action against those that violate the conditions under which they were released."