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### Secure Communities

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#### Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens

U.S. Immigration and Customs Enforcement (ICE), the largest investigative agency in the Department of Homeland Security (DHS), is improving community safety by transforming the way the federal government cooperates with state and local law enforcement agencies to identify, detain and remove all criminal aliens held in custody. Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens will change immigration enforcement by using technology to share information between law enforcement agencies and by applying risk-based methodologies to focus resources on assisting communities remove high-risk criminal aliens.

Although ICE has made considerable progress over the past several years in identifying and removing criminal aliens through its Criminal Alien Program (CAP), a fundamental change in ICE's current approach is required to reach the goal of identifying and removing all aliens convicted of a crime. ICE currently screens all inmates referred to ICE who claim to be foreign born at all federal and state prisons. In addition, any law enforcement agency can query the immigration status of an individual they encounter through ICE's Law Enforcement Support Center (LESC). CAP officers routinely visit or are dispatched to local jails requesting assistance and have contributed to the increased success of identifying and removing criminal aliens in custody.

In FY 2008, ICE identified and charged more than 221,000 aliens in jails for immigration violations – more than triple the number charged just two years ago. Leveraging integration technology that shares law enforcement data between federal, state and local law enforcement agencies, ICE is now able to expand coverage nationwide in a cost effective manner. Interoperability between the Federal Bureau of Investigation's (FBI's) Integrated Automated Fingerprint Identification System (IAFIS) and DHS' Automated Biometric Identification System (IDENT) will help ICE and local law enforcement officers positively identify criminal aliens in prisons and jails.

Given that a nationwide jail/prison reporting system does not exist to determine the total number of criminal aliens in the United States, ICE extrapolated from various sources and estimates that about 300,000 to 450,000 criminal aliens who are potentially removable are detained each year at federal, state, and local prisons and jails. Criminal aliens who are potentially removable include illegal aliens in the United States who are convicted of any crime and lawful permanent residents (such as holders of a U.S. Permanent Resident Card) who are convicted of a removable offense as defined by the Immigration and Nationality Act (INA).

#### Strategic Goals for Secure Communities

ICE has delineated four key strategic goals for the Secure Communities plan:

- Strategic Goal 1 – Identify and process all criminal aliens amenable for removal while in federal, state, and local custody;

Cited in *Mendoza v. Miranda*, No. 08-55067, archived on March 20, 2009

- Strategic Goal 2 – Enhance current detention strategies to ensure no removable alien is released into the community due to a lack of detention space or an appropriate alternative to detention;
- Strategic Goal 3 – Implement removal initiatives that shorten the time aliens remain in ICE custody prior to removal, thereby maximizing the use of detention resources and reducing cost; and
- Strategic Goal 4 – Maximize cost effectiveness and long-term success through deterrence and reduced recidivism.

The following three levels are illustrative of the plan's risk-based approach. These levels will be used to allocate appropriate resources to identifying and determining the immigration status of aliens arrested for a crime that pose the greatest risk to the public.

- Level 1 – Individuals who have been convicted of major drug offenses and violent offenses such as murder, manslaughter, rape, robbery, and kidnapping;
- Level 2 – Individuals who have been convicted of minor drug offenses and mainly property offenses such as burglary, larceny, fraud, and money laundering; and
- Level 3 – Individuals who have been convicted of other offenses.

Ensuring the identification and expedited removal of so many criminal aliens on an ongoing basis will require a sustained effort. The cornerstone of the plan is to increase state and local partnerships to ensure time sensitive screening of all foreign-born detainees and identification of criminal aliens. ICE is assessing technology solutions to seamlessly integrate local booking data so that ICE can determine eligibility for removal and quickly prioritize each case to initiate the appropriate level of response.

The plan brings together the expertise and commitment from all parts of ICE, the interagency community, and state and local law enforcement agencies. ICE's partners within DHS include U.S. Citizenship and Immigration Services (USCIS), Customs and Border Protection (CBP), and the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program. ICE's federal interagency partners include the Bureau of Prisons (BOP), Executive Office of Immigration Review (EOIR), U.S. Attorneys, Department of State (DOS), Department of Justice (DOJ), U.S. Marshals Service (USMS), and FBI's Criminal Justice Information Services Division (CJIS). Ongoing success will require enhancements to the nation's immigration strategy and providing even greater disincentives for recidivists.

#### Overview of ICE's Criminal Alien Program

The Immigration and Naturalization Service (INS) established the Institutional Removal Program (IRP) in 1988 as a result of the Immigration Reform and Control Act (IRCA) of 1986. IRCA required the INS to initiate deportation proceedings for all criminal aliens, at federal, state, and local prisons as expeditiously as possible after the date of conviction. At the INS, the Office of Investigations (OI) and Detention and Removal Operations (DRO) jointly managed the IRP, which covered about 30 federal institutions and a limited number of state institutions. INS/OI also had responsibility for the Alien Criminal Apprehension Program (ACAP). The ACAP was responsible for the identification, processing, prosecution, and removal of all criminal aliens in institutions not participating in the IRP.

When ICE was established in 2003, the agency recognized that additional effort and resources were needed to address the criminal alien problem at federal, state, and local jails and prisons. In June 2007, DRO assumed complete responsibility and oversight of both IRP and ACAP and combined both programs into the Criminal Alien Program (CAP). ICE adopted a risk-based approach to address the criminal alien population in U.S. jails and prisons and deployed CAP teams to institutions whose inmates posed the greatest threat to the community if released. CAP began utilizing video teleconference (VTC) equipment to expand its reach into more jails and prisons. In June 2006, DRO formed the Detention Enforcement and Processing Offenders by Remote Technology (DEPORT) Center in Chicago, IL. Today the DEPORT Center screens and processes criminal aliens at 87 BOP facilities. CAP also works closely with the United States Attorney's Office to prosecute aggressively criminal aliens who have reentered the United States after having been

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previously removed thereby creating a deterrent to illegal reentry by previously removed criminal aliens.

CAP teams focus on identifying, detaining, and removing criminal aliens and in FY 2008 the teams issued charging documents on more than 221,000 removable aliens in federal, state, and local custody. Many of these aliens are still serving sentences. In FY 2008, ICE removed 350,000 aliens, nearly 110,000 with criminal histories. In FY 2007, ICE removed approximately 278,000 aliens, about 95,000 with criminal histories.

In order to ensure that current CAP resources are deployed effectively, ICE conducted a risk assessment of federal, state, and local prisons and jails. The risk assessment provides valuable information for determining which facilities house the most removable aliens and which represent institutions of highest risk. The assessment classified all facilities into four tiers, with Tier 1 representing the highest risk to national security and public safety and Tier 4 representing the lowest risk. In rank order, ICE is moving toward 100 percent screening of foreign-born individuals in each facility. Currently, all Tier 1 and Tier 2 facilities have 100 percent screening, including all BOP institutions and state prisons. In order to achieve screening at all remaining facilities, an infusion of new partnerships, technology, process improvements, and resources will be necessary.

To address the high-risk BOP correctional institutions, ICE established the DEPORT Center in Chicago. DEPORT supports the screening, interviewing and removal processing of all criminal aliens incarcerated in BOP facilities nationwide, often using video teleconferencing. Since its inception, DEPORT has screened over 33,000 cases, issued more than 17,000 charging documents to begin removal proceedings, and lodged more than 11,000 detainers. The success of DEPORT is a combination of shared databases including BOP Sentry - a real-time computer system updated 24 hours a day by BOP staff in field offices. Staffers enter and update inmate information from the time the inmate is sentenced until he/she is released from federal custody.

#### Resource Overview for Secure Communities

The total costs estimated to remove all Level 1, 2, and 3 convicted criminal aliens each year in all federal, state, and local prisons ranges from roughly \$2 billion to \$3 billion. This cost range assumes that aliens incarcerated in local jails have an average length of time in custody of three to six months. The costs are high level estimates that will be revised regularly as the plan is implemented based on detailed business requirements, inputs from ICE partners, and updates to criminal alien population figures. ICE estimates that it may take up to two years to develop an automated process to search and prioritize leads from Interoperability based on the levels of criminality. Until such time, ICE will develop strategies for implementing the gradual rollout of Interoperability using a more manual searching process. Cost estimates therefore will need to be modified as implementation begins, and resources may need to shift to fill the gap between start-up and full implementation.

#### Level One Implementation

ICE plans to phase-in the implementation of this initiative, starting with Level 1 criminal aliens. The total Level 1 costs, including systems and infrastructure, are estimated to be between approximately \$930 million and \$1.1 billion. ICE anticipates an implementation timeline of 3.5 years to remove all removable Level 1 criminal aliens to ensure program efficiency and effectiveness. Congress provided \$200 million in the FY 2008 Appropriations bill to begin implementing this plan and an addition \$150 million for FY's 2009 and 2010.

#### Identifying criminal aliens in the past

The Immigration and Naturalization Service (INS) established the Institutional Removal Program (IRP) in 1988, which only covered approximately 30 federal institutions and a limited number of state facilities. INS also had responsibility for the Alien Criminal Apprehension Program (ACAP). Under ACAP, INS officers were responsible for identifying, processing, prosecuting, and removing criminal aliens in institutions not participating in the IRP.

In FY2003, there were only two signed 287(g) agreements to train and authorize local

*Cited in Mendonza v. Miranda  
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officers to enforce immigration law.

#### The way it works now

In June 2006, ICE formed the Detention Enforcement and Processing Offenders by Remote Technology (DEPORT) Center in Chicago. Today ICE screens and processes criminal aliens at all Bureau of Prisons (BOP) facilities. In addition, ICE began using video teleconference (VTC) equipment to expand its reach into more jails and prisons.

Criminal Alien Program (CAP) teams respond to local law enforcement agencies' requests to determine the alienage of individuals arrested for crimes and other immigration violators as resources permit. Under CAP, ICE identified and issued charging documents on more than 221,000 incarcerated criminal aliens in FY 2008. CAP teams identified more than 164,000 incarcerated criminal aliens in FY 2007 and 67,000 in FY 2006.

ICE conducts screenings of all inmates who claim to be foreign-born at all federal and state prisons. In addition, any law enforcement agency can query the immigration status of an individual they encounter through ICE's Law Enforcement Support Center (LESC). CAP officers routinely visit or are dispatched to local jails requesting assistance and have contributed to the increased success of identifying and removing criminal aliens in custody.

ICE 287(g) program has provided more than 40 local law enforcement agencies with access to DHS databases at their detention centers where trained officers can review the immigration information, determine alienage, and initiate removal proceedings. There are a total of 67 jail, task force, or combined 287(g) agreements nationwide credited for identifying more than 75,000 individuals for possible immigration violations. Most local law enforcement agencies notify ICE of a foreign-born detainee; then an ICE officer must conduct an interview to determine the alienage of the suspect and initiate removal proceedings, if appropriate.

#### Key Enhancements in Secure Communities

- ICE will continue working with its partners to distribute integration technology that links local law enforcement agencies to both FBI and DHS biometric databases.
- Currently, as part of the routine booking process, local officers submit an arrested person's fingerprints through FBI databases to access that individual's criminal history. With interoperability, those fingerprints are also automatically checked against DHS databases to access immigration history information.
- The automated process notifies ICE when fingerprints match those of an immigration violator. ICE officers conduct follow-up interviews and take appropriate action.
- ICE will identify removable criminal aliens and prioritize their removal based on the threat they pose to the community.
- ICE will continue working with local, state and federal detention centers and the Department of Justice Executive Office of Immigration Review (EOIR) to increase the number of facilities that use video conferencing technology.
- Working with ICE, U.S. Attorney's Offices will seek to prosecute more criminal aliens who illegally re-enter the country. This initiative is aimed at deterring recidivism.
- ICE will streamline processes for Detention and Removal Operations including the expanded use of the Alternatives to Detention Program (ATD) and by more efficiently obtaining removal orders and travel documents before criminal aliens are released from local custody.
- ICE will continue and expand the use of its Rapid REPAT (Removal of Eligible Parolees Accepted for Transfer) program whereby criminal aliens serving state sentences receive early parole in exchange for assisting in their removal from the United States. The programs are restricted to criminal aliens who have not been convicted of serious felonies and who have no history of violence. The program has proven successful in New York and Arizona thus far and ICE seeks to establish Rapid REPAT programs in four additional states by the end of FY 2008.
- ICE will provide 24/7 nationwide operational coverage for the Criminal Alien Program by assigning additional personnel in field offices, standing up command centers in priority areas, and expanding use of video conferencing to remotely interview and process

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suspected aliens.

- ICE will seek to increase local law enforcement partnerships through 287(g) cross-designation that allows trained officers to interview and initiate removal proceedings of aliens processed through their detention facilities.

Search ICE.gov for [pages related to Secure Communities](#)

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U.S. Immigration and Customs Enforcement (ICE) was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of five integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.

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