



U.S. Immigration
and Customs
Enforcement

Fact Sheet

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Secure Communities

Executive Summary

The U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) 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 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 all local 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 100 percent of all federal and state prisons, but has full coverage of only about 10 percent of the approximately 3,100 local jails throughout the United States. 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 State 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). Last year, ICE charged approximately 164,000 aliens in jails and removed approximately 95,000 criminal aliens.

The SC Strategic Goals:

- **Strategic Goal 1** - Identify and process all criminal aliens amenable for removal while in federal, state, and local custody;
- **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 Secure Communities 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 Secure Communities plan will: (a) strengthen partnerships with federal, state, and local law enforcement agencies; (b) improve technologies and processes to share national, state, and local and law enforcement data; (c) streamline and expedite procedures for detaining, processing, and removing aliens; (d) expand the use of incentives to reduce sentences for non-violent offenders who cooperate in their removal; (e) engage foreign governments to emphasize their commitment under international law to accept the return of increased numbers of their citizens; (f) increase efforts to deter those who would come to the United States illegally; and (g) create greater disincentives for recidivism.

The cornerstone of the Secure Communities 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 integrate seamlessly local booking data so that ICE can determine eligibility for removal and quickly prioritize each case to initiate the appropriate level of response. Responses may include such actions as: (a) placing the alien immediately in ICE custody to avoid release; (b) conducting personal interviews to gather additional information from the alien; (c) placing detainees; and (d) issuing charging documents.

The Secure Communities 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. Marshal 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 United States 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 process 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 previously removed thereby creating a deterrent to illegal reentry by previously removed criminal aliens.

CAP is currently funded for 119 teams, which are focused on identifying, detaining, and removing criminal aliens. Relying on the risk assessment to help prioritize workload, CAP personnel were able to charge more than 164,000 removable aliens in federal, state, and local custody during FY 2007. Many of these aliens are still serving sentences. By the end of FY 2007, ICE removed approximately 278,000 aliens, of which about 95,000 had criminal histories. In FY 2006, ICE removed approximately 205,000 aliens, of which nearly 90,000 had criminal records.

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. The following chart lists the number of state and local prisons and jails by tier.

Institutions by Tier

	Tier I	Tier II	Tier III	Tier IV	Total
State	24	437	560	104	1,125
County/City	4	123	757	2,250	3,134
Total	28	560	1,317	2,354	4,259

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 kept updated 24 hours a day by BOP staff in field offices. Staff enter and update inmate information from the time the inmate is sentenced until he/she is released from federal custody.

Resource Overview

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 SC 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 SC, 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.

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 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, IL. 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.

- Nearly 100 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 expects to identify and issue charging documents on 200,000 incarcerated criminal aliens. CAP teams identified more than 164,000 incarcerated criminal aliens in FY 2007 - up from 67,000 in FY 2006.
- ICE conducts screenings at all federal and state prisons and at 10 percent of the approximately 3,100 local jails throughout the United States.
- ICE 287(g) program has provided 30 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 47 jail, task force, or combined 287 (g) agreements nationwide credited for identifying more than 48,000 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 the Secure Communities plan:

- ICE will work with its partners to distribute integration technology that will link 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 will also automatically be checked against DHS databases to access immigration history information. The automated process would also notify ICE when fingerprints match those of an immigration violator. ICE officers would 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 teleconferencing 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 the Office of Detention and Removal 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 teleconferencing to remotely interview and process 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.

ICE

U.S. Immigration and Customs Enforcement 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.