

February 12, 2013

Chris Crane
President
National Immigration and Customs Enforcement Council
P.O. Box 471
Oakdale, LA 71463

The Honorable Barack Obama
President
The White House
Washington, DC 20500

Dear Mr. President:

The National Immigration and Customs Enforcement Council represents 7,000 ICE officers and support staff who protect this nation and uphold our immigration laws. I write today to express my sincere and respectful concern that our union and its members have not been invited to participate in White House meetings concerning the crafting of a comprehensive immigration bill. It is my understanding that you recently met with business executives and advocacy groups to discuss immigration reform that would include legalization for those now here illegally, as well as a possible guest worker program and chain migration. These measures would have significant implications for interior immigration enforcement and I believe our officers—who risk their lives every day to secure the nation—have a crucial perspective to offer.

As you may know, ICE officers have been forced to file suit against Secretary Napolitano for actions she has taken that prevent us from doing our jobs and enforcing duly enacted law. Right now, our officers effectively have to choose between enforcing the law as we're trained or losing their jobs. I am plaintiff in this suit. Our union has also previously held our appointed director, John Morton, in no confidence with a unanimous vote.

I have attached to this letter my recent testimony before the House Judiciary Committee, which outlines in detail the concerns our officers have and the threats to public safety created by the constraints which have been placed upon us. Agent morale has been devastated. We are given directions, both verbal and written, that prevent us from being able to arrest those who are in clear violation of the law and who may even pose a threat to public safety. We are also concerned about the practice of releasing without investigation illegal aliens who have allegedly assaulted our officers.

Until these concerns are resolved, I fear that any enforcement mechanisms in a future immigration bill will, like the laws already on the books, not be enforced.

In order to share these concerns in more detail, I would therefore respectfully request, as both an ICE officer and as president of the National ICE Council, that our union be included in any future immigration meetings held at the White House.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Crane", with a stylized flourish at the end.

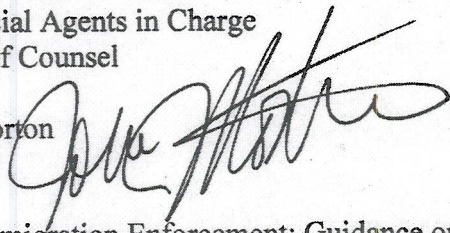
Chris Crane
President, National ICE Council



U.S. Immigration
and Customs
Enforcement

DEC '21 2012

MEMORANDUM FOR: All Field Office Directors
All Special Agents in Charge
All Chief Counsel

FROM: John Morton
Director 

SUBJECT: Civil Immigration Enforcement: Guidance on the Use of Detainers
in the Federal, State, Local, and Tribal Criminal Justice Systems

Purpose

This memorandum provides guidance on the use of U.S. Immigration and Customs Enforcement (ICE) detainers in the federal, state, local, and tribal criminal justice systems. This guidance applies to all uses of ICE detainers regardless of whether the contemplated use arises out of the Criminal Alien Program, Secure Communities, a 287(g) agreement, or any other ICE enforcement effort. This guidance does not govern the use of detainers by U.S. Customs and Border Protection (CBP). This guidance replaces Sections 4.2 and 4.5 of the August 2010 *Interim Guidance on Detainers* (Policy Number 10074.1) and otherwise supplements the remaining sections of that same guidance.

Background

In the memorandum entitled *Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens*, issued in June 2010,¹ ICE set forth clear priorities that guide its civil immigration enforcement. These priorities ensure that ICE's finite enforcement resources are dedicated, to the greatest extent possible, to individuals whose removal promotes public safety, national security, border security, and the integrity of the immigration system.

As ICE's implementation of these priorities continues, it is of critical importance that ICE remain focused on ensuring that the priorities are uniformly, transparently, and effectively pursued. To that end, ICE issues the following guidance governing the use of detainers in the nation's criminal justice system at the federal, state, local, and tribal levels. This guidance will ensure that the agency's use of detainers in the criminal justice system uniformly applies the

¹ As amended and updated by the memorandum of the same title issued March 2, 2011.

principles set forth in the June 2010 memorandum and is consistent with the agency's enforcement priorities.

National Detainer Guidance

Consistent with ICE's civil enforcement priorities and absent extraordinary circumstances, ICE agents and officers should issue a detainer in the federal, state, local, or tribal criminal justice systems against an individual only where (1) they have reason to believe the individual is an alien subject to removal from the United States and (2) one or more of the following conditions apply:

- the individual has a prior felony conviction or has been charged with a felony offense;
- the individual has three or more prior misdemeanor convictions;²
- the individual has a prior misdemeanor conviction or has been charged with a misdemeanor offense if the misdemeanor conviction or pending charge involves—
 - violence, threats, or assault;
 - sexual abuse or exploitation;
 - driving under the influence of alcohol or a controlled substance;
 - unlawful flight from the scene of an accident;
 - unlawful possession or use of a firearm or other deadly weapon;
 - the distribution or trafficking of a controlled substance; or
 - other significant threat to public safety;³
- the individual has been convicted of illegal entry pursuant to 8 U.S.C. § 1325;
- the individual has illegally re-entered the country after a previous removal or return;
- the individual has an outstanding order of removal;
- the individual has been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud; or
- the individual otherwise poses a significant risk to national security, border security, or public safety.⁴

² Given limited enforcement resources, three or more convictions for minor traffic misdemeanors or other relatively minor misdemeanors alone should not trigger a detainer unless the convictions reflect a clear and continuing danger to others or disregard for the law.

³ A significant threat to public safety is one which poses a significant risk of harm or injury to a person or property.

⁴ For example, the individual is a suspected terrorist, a known gang member, or the subject of an outstanding felony arrest warrant; or the detainer is issued in furtherance of an ongoing felony criminal or national security investigation.

Revised Detainer Form

To ensure consistent application of this guidance, ICE will revise the DHS detainer form, Form I-247. The revised detainer form, which should be used in all cases once it is issued, will specifically list the grounds above and require the issuing officer or agent to identify those that apply so that the receiving agency and alien will know the specific basis for the detainer. The changes to the form will make it easy for officers and agents to document the immigration enforcement priorities and prosecutorial discretion analysis they have completed leading to the issuance of the detainer.

Prosecutorial Discretion

This guidance identifies those removable aliens in the federal, state, local, and tribal criminal justice systems for whom a detainer may be considered. It does not require a detainer in each case, and all ICE officers, agents, and attorneys should continue to evaluate the merits of each case based on the June 2011 memorandum entitled *Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens* and other applicable agency policies.

Six-Month Review

ICE Field Office Directors, Chief Counsel, and Special Agents in Charge should closely evaluate the implementation and effect of this guidance in their respective jurisdictions for a period of six months from the date of this memorandum. Based on the results of this evaluation, ICE will consider whether modifications, if any, are needed.

Disclaimer

This guidance does not create or confer any right or benefit on any person or party, public or private. Nothing in this guidance should be construed to limit ICE's power to apprehend, charge, detain, administratively prosecute, or remove any alien unlawfully in the United States or to limit the legal authority of ICE or its personnel to enforce federal immigration law. Similarly, this guidance, which may be modified, superseded, or rescinded at any time, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

This guidance does not cover or control those detainers issued by officers and agents of CBP. Detainers issued by CBP officers and agents shall remain governed by existing CBP policy, and nothing in this guidance is intended to limit CBP's power to apprehend, charge, detain, or remove any alien unlawfully in the United States.



Report: 20% of Fatal Wrecks Involve Unlicensed Drivers

One in every five fatal car crashes in the United States each year involves a driver who does not have a valid license or whose license status is a mystery to law enforcement, according to a study released Wednesday.

The report, "Unlicensed to Kill," sponsored by the AAA Foundation for Traffic Safety, said that 8,400 people die on average each year in crashes with unlicensed drivers. It also found that 28 percent of the lawbreaking drivers had received three or more license suspensions or revocations in the three years before their fatal collision.

"It's like a revolving door. These people are being suspended and suspended and suspended again, and still, they're driving," said researcher Lindsay I. Griffin of the Texas Transportation Institute at Texas A&M University.

The researchers did not know the total number of unlicensed drivers on U.S. roads today, but said they believe those drivers are involved in an inordinate number of fatal crashes.

Griffin and colleagues studied five years of data from the Department of Transportation's Fatality Analysis Reporting System, 1993 through 1997. They studied 278,078 drivers involved in 183,749 fatal crashes.

Among the drivers, 13.8 percent, or 38,374, had a license that was suspended, revoked, expired, canceled or denied; had no license at all; or, in some cases, were a mystery because they were hit-and-run drivers, or law enforcement officers could not determine their license status for other reasons.

Among the crashes, 20 percent, or 36,750, involved such a driver.

The researchers found some common characteristics among illegal drivers in fatal crashes:

- One-third were younger than 20.
- They were more likely to be male.
- They were more likely to drive during late night or early morning hours.

Among those with a suspended license, they were about three times more likely to be drunk in the opinion of the investigating officer than properly licensed drivers. Those who had a revoked license were about four times more likely to be drunk.

— They were more than five times as likely to be hit-and-run drivers than legal drivers, in cases where the drivers were identified.

“These are not people who just managed to slip up one time and now they’re suspended. They seem to be more of a chronically aberrant group,” Griffin said.

Unlicensed drivers pose a particular problem in the West, the researchers found, but the study could not explain the geographic disparity. In New Mexico, nearly a quarter of all fatal accidents involved illegal drivers, making it the state with the highest percentage.

Other high-risk jurisdictions were the District of Columbia, Arizona, California and Hawaii. Maine had the lowest incidence of deadly crashes involving illegal drivers, 6.4 percent.

Lt. Patrick Burke, traffic coordinator for the D.C. police department, said mild penalties are partly to blame.

“If I were to, let’s say, arrest a 17-year-old this afternoon who doesn’t have a driver’s permit, never had a driver’s permit, that 17-year-old could pay \$75 at the local police station and be on the street in a car an hour later,” he said.

The researchers said a California policy of impounding the vehicles of unlicensed drivers and technology being developed, such as “smart cards” that would prevent an illegal driver from taking the wheel, shows promise in preventing fatalities.

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: _____
Event #: _____

File No: _____
Date: _____

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

FROM: (Department of Homeland Security Office Address)

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

Name of Alien: _____

Date of Birth: _____ Nationality: _____ Sex: _____

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

☐ Determined that there is reason to believe the individual is an alien subject to removal from the United States. The individual (*check all that apply*):

has a prior a felony conviction or has been charged with a felony offense;	has illegally re-entered the country after a previous removal or return;
has three or more prior misdemeanor convictions;	has been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud;
has a prior misdemeanor conviction or has been charged with a misdemeanor for an offense that involves violence, threats, or assaults; sexual abuse or exploitation; driving under the influence of alcohol or a controlled substance; unlawful flight from the scene of an accident; the unlawful possession or use of a firearm or other deadly weapon, the distribution or trafficking of a controlled substance; or other significant threat to public safety;	otherwise poses a significant risk to national security, border security, or public safety; and/or
has been convicted of illegal entry pursuant to 8 U.S.C. § 1325;	other (specify): _____

☐ Initiated removal proceedings and served a Notice to Appear or other charging document. A copy of the charging document is attached and was served on _____ (date).

☐ Served a warrant of arrest for removal proceedings. A copy of the warrant is attached and was served on _____ (date).

☐ Obtained an order of deportation or removal from the United States for this person.

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

IT IS REQUESTED THAT YOU:

☐ Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS**, excluding Saturdays, Sundays, and holidays, beyond the time when the subject would have otherwise been released from your custody to allow DHS to take custody of the subject. This request flows from federal regulation 8 C.F.R. § 287.7. **You are not authorized to hold the subject beyond these 48 hours.** As early as possible prior to the time you otherwise would release the subject, please notify DHS by calling _____ during business hours or _____ after hours or in an emergency. If you cannot reach a DHS Official at these numbers, please contact the ICE Law Enforcement Support Center in Burlington, Vermont at: (802) 872-6020.

☐ Provide a copy to the subject of this detainer.

☐ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.

☐ Notify this office in the event of the inmate's death, hospitalization or transfer to another institution.

☐ Consider this request for a detainer operative only upon the subject's conviction.

☐ Cancel the detainer previously placed by this Office on _____ (date).

(Name and title of Immigration Officer)

(Signature of Immigration Officer)

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

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

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

Last criminal charge/conviction: _____

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

(Name and title of Officer)

(Signature of Officer)

NOTICE TO THE DETAINEE

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

NOTIFICACIÓN A LA PERSONA DETENIDA

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

Avis au détenu

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

AVISO AO DETENTO

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

**THÔNG BÁO CHO NGƯỜI BỊ GIAM
GIỮ**

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

对被拘留者的通告

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



National ICE Council
Immigration and Customs Enforcement
of the
American Federation of Government Employees
Affiliated with AFL-CIO



Dear Congressional Representative:

Thank you for meeting with ICE employees regarding the ICE Provisions for the Law Enforcement Component of Immigration Reform. Please find the enclosed documents attached:

- 1. ICE Provisions for the Law Enforcement Component of Immigration Reform**
- 2. ICE White Paper – Single Career Path Implementation and Funding**
- 3. Summary – JHU Study (3 pages)**

If you have any further questions or require any other assistance please contact LeAnn Mezzacapo at leannmezz@yahoo.com .

Sincerely,

National ICE Council



National ICE Council
Immigration and Customs Enforcement
of the
American Federation of Government Employees
Affiliated with AFL-CIO



ICE PROVISIONS

LAW ENFORCEMENT COMPONENT - IMMIGRATION REFORM

ICE reports that in FY 2012 it deported 409,849 illegal aliens with approximately 96 percent of those deported falling into Obama Administration priority categories; 225,390 were convicted criminals. The deportation of a quarter million convicted criminals in one year by ICE should alert lawmakers to the staggering number of criminal aliens in the U.S. and the need for more robust enforcement by ICE, with or without immigration reforms.

Of the estimated 11 million illegal aliens currently in the U.S., approximately 40% (4.5 million) are visa overstays. Current proposals by the President as well as proposals found in the bipartisan framework essentially ignore interior enforcement focusing on increasing border security and the creation of a system to track visa overstays. While border security is essential, it will be the job of ICE agents to locate, arrest and deport millions of visa overstays that will exist (and/or be identified by newly developed tracking systems) even after immigration reforms are in place.

Despite successful efforts to secure the border that may occur in the future, a percentage of attempted illegal entries will succeed. Criminal individuals and organizations will be especially persistent in these attempts. Again, ICE will be responsible for locating and arresting these aliens on the interior of the United States. Even if future border security were 90% more successful than current efforts, the number of illegal entrants each year could be in the hundreds of thousands.

Any future reforms that continue to utilize immigrant and non-immigrant visas, or guest worker programs, will introduce over a million new legal entrants into the U.S. each year that will be deportable if the conditions of their visas are violated. Again, ICE will be responsible for enforcing these laws, as well as apprehending violators.

As almost half of all illegal aliens in the U.S. entered legally but overstayed visas, it is clear that eliminating illegal entries is only half of the challenge. When one adds the other enforcement efforts listed above, as well as any future legislation regarding increased worksite enforcement, it is clear that ICE ERO is not prepared for that mission. Important to note, that while the Border Patrol has almost tripled in size since 9/11, immigration enforcement resources within ICE have remained relatively the same. Approximately 5,000 officer and agents within ICE handle the lion's share of ICE's immigration mission, to include not only the arrest of aliens, but also their detention, court proceedings and eventual deportation. ICE ERO may be the most understaffed and under resourced law enforcement organization in the United States. A matter that must be addressed as part of any effort to reform the nation's broken immigration system.

- Increase by 5,000 the number of full-time ICE Deportation Officers
- Merge all ICE Enforcement and Removal Operations Law Enforcement Officers into ICE Deportation Officer Positions (GS-5-GS-12) eliminating differing arrest authorities and antiquated positions providing a force multiplier which allows operational flexibility, efficiency and productivity.
- Increase by 700 the number of support staff for ICE Deportation Officers
- Authorize ICE to hire 2,500 Detention Enforcement Officers to be responsible for detention duties, including transportation and guarding of detainees, facility security, and assisting with processing
- Increase by 10,000 the number of ICE detention beds
- Increase the number of DOJ Immigration judges
- Increase the number of ICE prosecutors
- Require ICE or ICE-trained agents at every federal/state/county prison/jail to place mandatory detainers on all unlawfully present aliens identified by ICE
- Require ICE to assign Deportation Officers and Immigration Enforcement Agents to serve as members of any state or local gang task force, at the request of the task force
- Require that all ICE Deportation Officers, Immigration Enforcement Agents, and Detention Enforcement Officers have adequate equipment, including body armor, Tasers, and M-4 rifles
- Require mandatory issuance of "Notice to Appear" to illegal aliens with criminal convictions, any conviction for operating a vehicle under the influence, or suspected or known gang affiliation, or any illegal alien who assaults a law enforcement officer (the NTA puts the alien before an immigration judge, who then decides whether the alien should be removed or is eligible for relief)
- Deny visas for countries that refuse to repatriate their nationals who come here and commit crimes (as authorized by current law)
- Establish an ICE Advisory Council with seven members, including one appointed by the President, one appointed by the Chairman of the House Judiciary Committee, one appointed by the Chairman of the Senate Judiciary Committee, three appointed by the ICE Officers and Agents Union and one appointed by the ICE Attorneys Union (the Council would report to ICE Headquarters and to the House and Senate Judiciary Committees on a quarterly basis on the current status of law enforcement efforts, prosecutions, removals, equipment and personnel needs, and the effectiveness of policies and regulations promulgated by Headquarters)

Office of Enforcement & Removal Operations

U.S. Department of Homeland Security
Potomac Center North Building
500 12th Street SW
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

November 1, 2011

VIA E-MAIL AND CERTIFIED MAIL

Mr. Chris Crane, President
American Federation of Government Employees
National Council 118 ICE

Subject: Update on the IEA/ DO Uniform Career Ladder Initiative

Dear Mr. Crane:

As we have discussed, the establishment of a uniform career path which allows for a single law enforcement position to be hired as a GS-5 with a career ladder to a journeyman grade of GS-12 is among my highest priorities. I believe the enhancements to our operational flexibility, efficiency, and productivity that will come with the new position are essential to the continued success of the Office of Enforcement and Removal Operations (ERO). Also, as you know, I have already taken a significant step in this direction by filling all Deportation Officer (DO) vacancies from among the ranks of our current Immigration Enforcement Agents (IEAs) whenever possible.

Barring any events beyond my control, I intend to take the next broad steps to complete this critical project:

1. No later than the beginning of the third quarter of FY-13, cease hiring IEAs and beginning hiring GS-5 DOs (title subject to change) with promotion potential to GS-12.
2. No later than the beginning of the third quarter of FY-13, begin announcing GS-11/12 competitive merit promotion opportunities for GS-9 IEAs with time in grade.
3. Continue the competitive merit promotion process each year thereafter until a uniform career path and single law position is established.

While I will continue to seek the appropriated funds for this project, I am confident that barring unforeseen financial circumstances, I will be able to fund this project through efficiencies and

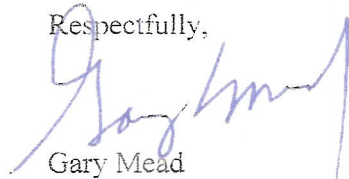
Mr. Chris Crane
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the incremental approach outlined above from existing base resources. Should this change, I will notify you immediately.

The role of Council 118 in this process is invaluable. There is much to be done over the months ahead if we are to be ready to proceed in FY-13. I look forward to continuing to work with you and the Council on this important project. In the short run, it would be helpful if you can provide me your comments on the draft proposed position description and performance work plan for the new position, as well as the working group recommendations resulting from the two weeks of meetings between union representatives and managers here in Washington last month. I need this information to move the process forward.

Thank you for your continued support of and valuable input to this initiative.

Respectfully,



Gary Mead
Executive Associate Director

U.S. Immigration and Customs Enforcement

Enforcement Removal Office Career Path Assessment

Executive Summary (Prepared by the National ICE Council)

The Johns Hopkins University, School of Education, Division of Public Safety Leadership (JHU) was tasked by the Immigrations and Customs Enforcement Agency (ICE) of the U.S. Dept. of Homeland Security (DHS) to assess the feasibility of creating a single-track career path for Immigration Enforcement Agents (IEAs) and Deportation Officers (DOs) in the Enforcement and Removal Office (ERO- formerly known as DRO).

The intent of the study was to provide recommendations on how a single career track might:

- ☐ Strengthen the overall mission of ICE
- ☐ Yield position management efficiencies
- ☐ Strengthen career advancement opportunities

The study was also designed to provide ICE executives with information sufficient to determine:

- ☐ Impact of decisions
- ☐ Budget requests or decisions
- ☐ Near term pilot and longer-term transition plan options

This report is based on the findings of 24 confidential interviews conducted over a period of 2 months. 60% were non-supervisory personnel; the remaining 40% were supervisors.

ICE ERO Career Path Study Recommendations

This section contains JHU recommendations for a single career path based on the interview findings, site visits, and literature review.

1. Convert DO and IEA positions into one series, from GS-5 to GS-12, ratifying the ongoing evolution of ERO;
2. Rename new position/series;
3. Write PDs for each position in series, identifying required training and experience to advance;
4. Broadly advertise within the organization the requirements for advancement through the series;

5. Develop GS-13 specialist positions, as investigative duties create need, with a clear justification process;
6. Develop transition training plan and initiate the process of conversion;
7. Develop entry level training requirements to reflect entry at various grades through journeyman GS-12 level;
8. Develop an evaluation approach to weigh in depth functional experience vs rotational experience in the promotion process;
9. Develop cost estimates for transition/conversion of all staff to the new positions;
10. Develop cost estimates for steady state after conversion (e.g., training, promotions, etc);
11. Explore the possibility of "grandfathering" employees who choose not to participate in conversion;
12. Develop measures of success for conversion, including changes in attrition rate, etc.;
13. Explore implications for DRA's of conversion of DOs and IEAs to a single career track;
14. Explore opportunities for further contracting out;
15. Create an Executive Steering Committee to review progress of Working Group, make decisions where necessary, and gain approval for execution;
16. Develop a Communications Plan.