



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

FEB 11 2016

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley:

Thank you for your June 16, 2015 letter.

Enclosed, please find the answers to your specific questions regarding the release of undocumented aliens from the custody of U.S. Immigration and Customs Enforcement (ICE) from Fiscal Years 2010 through 2015.

By way of background, and to help place the enclosed responses in context, ICE custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions. Current law specifies that pending a decision with regard to an alien's removal, certain aliens may be released from custody. *See* Immigration and Nationality Act (INA) § 236(a) (2016). This broad detention authority provides the Department of Homeland Security (DHS) with discretion to detain arrested aliens or release certain aliens on bond or other conditions. The setting of release conditions on those not subject to mandatory detention under INA § 236(c), has been a fixture of immigration law since the Immigration and Nationality Act of 1952. *See* former INA § 242(a) (1952). The authority to release aliens pursuant to INA § 236(a) is shared between DHS and the Executive Office for Immigration Review (EOIR). 8 C.F.R. §§ 236.1, 1003.19, 1236.1.

The release of aliens on bond is clearly provided for by statute. It would not be permissible for DHS to categorically prohibit the release of certain aliens who are not subject to detention under INA § 236(c), and who do not pose a risk to public safety or a flight risk. Even in instances where ICE determines to continue detention in its discretion, such decisions are subject to review by EOIR, which may reduce the bond amount imposed, ameliorate conditions of release, or order release without bond. In cases where the decision to release an alien from ICE custody is not based on discretion, an alien may be released pursuant to an individual court order or pursuant to the requirements of legal precedent (*e.g.*, *Zadvydas v. Davis*, 533 U.S. 678 (2001), *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015)).

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Thank you again for your letter and your interest in this important matter. Chairman Sessions and Senator Flake, who co-signed your letter, will receive separate responses. Should you have any additional questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'SR Saldaña', is written over a light blue rectangular background.

Sarah R. Saldaña
Director

Enclosure

**The Department of Homeland Security's Response to
Chairmen Grassley's and Sessions' July 16, 2015 Letter**

1. For each of the 121 criminal aliens who were charged with homicide following their release from ICE custody between FY 2010 and FY 2014, please provide:

i. The name of the individual charged;

Please find the following names of the criminal aliens charged with homicide-related crimes subsequent to their release from U.S. Immigration and Customs Enforcement (ICE) custody in Fiscal Years (FY) 2010 through 2014. Please note that custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions.

	Family Name	Given Name
1	[REDACTED]	[REDACTED]
2	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]
15	[REDACTED]	[REDACTED]
16	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]
19	[REDACTED]	[REDACTED]
20	[REDACTED]	[REDACTED]
21	[REDACTED]	[REDACTED]
22	[REDACTED]	[REDACTED]
23	[REDACTED]	[REDACTED]
24	[REDACTED]	[REDACTED]
25	[REDACTED]	[REDACTED]
26	[REDACTED]	[REDACTED]

	Family Name	Given Name
27	[REDACTED]	[REDACTED]
28	[REDACTED]	[REDACTED]
29	[REDACTED]	[REDACTED]
30	[REDACTED]	[REDACTED]
31	[REDACTED]	[REDACTED]
32	[REDACTED]	[REDACTED]
33	[REDACTED]	[REDACTED]
34	[REDACTED]	[REDACTED]
35	[REDACTED]	[REDACTED]
36	[REDACTED]	[REDACTED]
37	[REDACTED]	[REDACTED]
38	[REDACTED]	[REDACTED]
39	[REDACTED]	[REDACTED]
40	[REDACTED]	[REDACTED]
41	[REDACTED]	[REDACTED]
42	[REDACTED]	[REDACTED]
43	[REDACTED]	[REDACTED]
44	[REDACTED]	[REDACTED]
45	[REDACTED]	[REDACTED]
46	[REDACTED]	[REDACTED]
47	[REDACTED]	[REDACTED]
48	[REDACTED]	[REDACTED]
49	[REDACTED]	[REDACTED]
50	[REDACTED]	[REDACTED]
51	[REDACTED]	[REDACTED]
52	[REDACTED]	[REDACTED]
53	[REDACTED]	[REDACTED]
54	[REDACTED]	[REDACTED]
55	[REDACTED]	[REDACTED]
56	[REDACTED]	[REDACTED]
57	[REDACTED]	[REDACTED]
58	[REDACTED]	[REDACTED]
59	[REDACTED]	[REDACTED]
60	[REDACTED]	[REDACTED]
61	[REDACTED]	[REDACTED]
62	[REDACTED]	[REDACTED]
63	[REDACTED]	[REDACTED]
64	[REDACTED]	[REDACTED]

	Family Name	Given Name
65	[REDACTED]	[REDACTED]
66	[REDACTED]	[REDACTED]
67	[REDACTED]	[REDACTED]
68	[REDACTED]	[REDACTED]
69	[REDACTED]	[REDACTED]
70	[REDACTED]	[REDACTED]
71	[REDACTED]	[REDACTED]
72	[REDACTED]	[REDACTED]
73	[REDACTED]	[REDACTED]
74	[REDACTED]	[REDACTED]
75	[REDACTED]	[REDACTED]
76	[REDACTED]	[REDACTED]
77	[REDACTED]	[REDACTED]
78	[REDACTED]	[REDACTED]
79	[REDACTED]	[REDACTED]
80	[REDACTED]	[REDACTED]
81	[REDACTED]	[REDACTED]
82	[REDACTED]	[REDACTED]
83	[REDACTED]	[REDACTED]
84	[REDACTED]	[REDACTED]
85	[REDACTED]	[REDACTED]
86	[REDACTED]	[REDACTED]
87	[REDACTED]	[REDACTED]
88	[REDACTED]	[REDACTED]
89	[REDACTED]	[REDACTED]
90	[REDACTED]	[REDACTED]
91	[REDACTED]	[REDACTED]
92	[REDACTED]	[REDACTED]
93	[REDACTED]	[REDACTED]
94	[REDACTED]	[REDACTED]
95	[REDACTED]	[REDACTED]
96	[REDACTED]	[REDACTED]
97	[REDACTED]	[REDACTED]
98	[REDACTED]	[REDACTED]
99	[REDACTED]	[REDACTED]
100	[REDACTED]	[REDACTED]
101	[REDACTED]	[REDACTED]
102	[REDACTED]	[REDACTED]

	Family Name	Given Name
103	[REDACTED]	[REDACTED]
104	[REDACTED]	[REDACTED]
105	[REDACTED]	[REDACTED]
106	[REDACTED]	[REDACTED]
107	[REDACTED]	[REDACTED]
108	[REDACTED]	[REDACTED]
109	[REDACTED]	[REDACTED]
110	[REDACTED]	[REDACTED]
111	[REDACTED]	[REDACTED]
112	[REDACTED]	[REDACTED]
113	[REDACTED]	[REDACTED]
114	[REDACTED]	[REDACTED]
115	[REDACTED]	[REDACTED]
116	[REDACTED]	[REDACTED]
117	[REDACTED]	[REDACTED]
118	[REDACTED]	[REDACTED]
119	[REDACTED]	[REDACTED]
120	[REDACTED]	[REDACTED]
121	[REDACTED]	[REDACTED]

ii. The jurisdiction in which they were charged;

ICE is unable to provide the requested information and defers to the Department of Justice (DOJ).

iii. The last known address for each alien; and

In the numerous instances where an alien has multiple zip codes associated with him or her in ICE’s system, ICE’s records do not indicate which zip code corresponds to the alien’s “last known address.” Thus, ICE’s records include 250 zip codes associated with these 121 aliens. Those zip codes are listed below.

01103	01108	01301	01605	07010	07047
07601	08052	08302	08327	10002	10010
10035	10453	10466	10468	10562	10701
10963	11203	11213	11235	11372	11377
11429	11432	11434	11580	11590	11691
11692	11717	11937	12524	12534	12553
12821	12953	13480	14213	17001	17402
19134	19143	19947	20010	20011	20473

20534	20743	20784	20794	20912	21227
21230	21746	21804	22221	22234	23220
23223	23234	23237	23505	23513	27529
27603	27604	27707	29073	29209	29466
30303	33112	33127	33167	33311	33409
33413	34116	35209	39194	39204	40391
41224	47591	47808	48034	48126	48210
48228	49014	49201	49442	55104	55355
55425	55454	56001	60085	60173	60605
60647	63103	64124	64126	64153	65301
68108	68110	71346	74103	74145	74155
75060	75061	75206	75215	75243	77032
77060	77074	77076	77304	77342	77720
78061	78412	78521	78566	78574	78620
78645	79521	79720	79901	79915	79925
79936	80010	80011	80018	80203	80204
80205	80214	80219	80221	80223	80239
80521	80522	80906	80911	82008	82019
84116	84119	85008	85017	85031	85032
85033	85034	85043	85208	85224	85225
85232	85303	85395	85714	86046	86442
86443	89109	89119	89121	89122	90004
90022	90023	90026	90028	90059	90247
90280	90301	90620	90713	90723	90731
90744	91303	91320	91325	91343	91344
91360	91605	91606	91706	92231	92233
92301	92404	92553	92675	92675	92701
92703	92705	92707	92863	92868	92869
93030	93033	93409	93536	93706	94061
94063	94111	94536	94538	94541	94544
94545	94551	95207	95301	95351	95405
95472	95611	95815	97305	98030	98118
98126	98421	98660	98663		

iv. **A complete list of all specific offenses of which each criminal alien was convicted prior to his or her release from ICE custody.**

The following table is a list of the convictions associated with the criminal aliens prior to release from ICE custody. Please note that custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions.

Convictions	Number of Convictions¹
Driving Under Influence Liquor	39
Traffic Offense	31
Larceny	23
Assault	22
Disorderly Conduct	18
Public Order Crimes	14
Vehicle Theft	14
Burglary	13
Trespassing	13
Synthetic Narcotic	11
Robbery	11
Narcotic Equip—Possession	11
Marijuana—Possession	10
Resisting Officer	9
Dangerous Drugs	9
Damage Property	9
Possession Of Weapon	9
Cocaine—Possession	8
Cocaine—Sell	8
Obstruct Police	8
Synthetic Narcotic—Possession	7
Unauthorized Use of Vehicle (includes joy riding)	7
Failure To Appear	6
Escape From Custody	6
Drug Possession	6
Battery	6
Licensing Violation	6
Marijuana—Sell	5

¹ Please note that an alien may have more than one criminal conviction. As such, the total number of criminal convictions is greater than the total number of criminal aliens released from ICE custody.

Convictions	Number of Convictions¹
Weapon Offense	5
Probation Violation	5
Crimes Against Person	4
Forgery	4
Drugs—Health or Safety	4
Amphetamine—Possession	4
Shoplifting	4
Public Peace	4
Stolen Property	4
Contempt Of Court	3
Amphetamine—Sell	3
Carrying Concealed Weapon	3
Fraud	3
Fraud—Impersonating	3
Intimidation	3
Hit and Run	2
Homicide	2
Gambling	2
Receiving Stolen Vehicle	2
Illegal Re-Entry (INA SEC.101(a)(43)(O), 8USC1326 only)	2
Prostitution	2
Simple Assault	2
Receive Stolen Property	2
Escape(identify type institution in comments) ²	2
Drug Trafficking	2
Cruelty Toward Wife	2
Illegal Entry (INA SEC.101(a)(43)(O), 8USC1325 only)	2
Violation of a Court Order	2
Theft And Use Vehicle Other Crime	2
Counterfeiting	2
Obstructing Justice	2
Aggravated Assault—Police Officer—Weapon	1

² Convictions are taken directly from the rap sheet located in the Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC). Additional detail about the related crime(s) for these cases may be found either in local systems or courthouses.

Convictions	Number of Convictions¹
Sex Offense	1
Larceny—From Auto	1
Neglect Family	1
Aggravated Assault—Public Officer—Strongarm	1
Obstruct (specify Judiciary, Congress, Legislature, Commission in comments)	1
Health—Safety	1
Burglary—Forced Entry—Residence	1
Robbery—Street—Gun	1
Threat Terroristic State Offenses	1
Liquor—Possession	1
Failure Report Crime	1
Theft And Strip Vehicle	1
Flight—Escape	1
Forgery Of Checks	1
Heroin—Sell	1
Cocaine	1
Possession Tools For Forgery/Counterfeiting	1
Robbery—Business Weapon	1
Domestic Violence	1
Sex Assault—Carnal Abuse	1
Procure for Prostitute Who is an Adult	1
Aggravated Assault—Weapon	1
Heroin—Smuggle	1
Cruelty Toward Child	1
Driving Under Influence Drugs	1
Extortion	1
Interstate Transportation of Stolen Vehicle	1
Aggravated Assault—Gun	1
Racketeer Influenced and Corrupt Organizations Act (RICO)	1
Rape—Remarks	1
Cocaine—Smuggle	1
Parole Violation	1
Flight To Avoid (prosecution, confinement, etc.)	1
Burglary Tools—Possession	1
Conceal Stolen Property	1

Convictions	Number of Convictions ¹
Possession Stolen Property	1
TOTAL	464

2. How many total homicides have these 121 criminal aliens been charged with committing following their release from ICE custody? How many convictions have resulted from these charges? Were any of these 121 criminal aliens convicted of a homicide-related offense *prior* to release from ICE custody? If so, how many?

The aliens were charged with a total of 135 homicide-related crimes subsequent to release from ICE custody. As of July 25, 2015, a total of 39 convictions have resulted from these homicide-related charges. Of the 121 total aliens, 2 had homicide-related convictions prior to release from ICE custody. Please note that custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions.

3. As of the date of this letter, and beginning in FY 2010, how many criminal aliens who have been released from ICE custody have been charged with homicide? Please provide a breakdown by each fiscal year beginning with FY 2010 through FY 2015.

Between FY 2010 and FY 2015 year-to-date (YTD) through July 21, 2015, 124 criminal aliens who had been released from ICE custody were subsequently charged with homicide-related crimes. Please note that custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions. The breakdown by FY is as follows:

Fiscal Year	Number of Criminal Aliens
2010	32
2011	26
2012	31
2013	23
2014	9
2015 YTD	3
TOTAL	124

4. For each of the 156 repeat offenders who have been released from ICE custody at least *twice* since FY 2013, please provide:

- a. The name of the criminal alien;

	Family Name	Given Name
1	[REDACTED]	[REDACTED]
2	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]

	Family Name	Given Name
4	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]
15	[REDACTED]	[REDACTED]
16	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]
19	[REDACTED]	[REDACTED]
20	[REDACTED]	[REDACTED]
21	[REDACTED]	[REDACTED]
22	[REDACTED]	[REDACTED]
23	[REDACTED]	[REDACTED]
24	[REDACTED]	[REDACTED]
25	[REDACTED]	[REDACTED]
26	[REDACTED]	[REDACTED]
27	[REDACTED]	[REDACTED]
28	[REDACTED]	[REDACTED]
29	[REDACTED]	[REDACTED]
30	[REDACTED]	[REDACTED]
31	[REDACTED]	[REDACTED]
32	[REDACTED]	[REDACTED]
33	[REDACTED]	[REDACTED]
34	[REDACTED]	[REDACTED]
35	[REDACTED]	[REDACTED]
36	[REDACTED]	[REDACTED]
37	[REDACTED]	[REDACTED]
38	[REDACTED]	[REDACTED]
39	[REDACTED]	[REDACTED]
40	[REDACTED]	[REDACTED]
41	[REDACTED]	[REDACTED]

	Family Name	Given Name
42	[REDACTED]	[REDACTED]
43	[REDACTED]	[REDACTED]
44	[REDACTED]	[REDACTED]
45	[REDACTED]	[REDACTED]
46	[REDACTED]	[REDACTED]
47	[REDACTED]	[REDACTED]
48	[REDACTED]	[REDACTED]
49	[REDACTED]	[REDACTED]
50	[REDACTED]	[REDACTED]
51	[REDACTED]	[REDACTED]
52	[REDACTED]	[REDACTED]
53	[REDACTED]	[REDACTED]
54	[REDACTED]	[REDACTED]
55	[REDACTED]	[REDACTED]
56	[REDACTED]	[REDACTED]
57	[REDACTED]	[REDACTED]
58	[REDACTED]	[REDACTED]
59	[REDACTED]	[REDACTED]
60	[REDACTED]	[REDACTED]
61	[REDACTED]	[REDACTED]
62	[REDACTED]	[REDACTED]
63	[REDACTED]	[REDACTED]
64	[REDACTED]	[REDACTED]
65	[REDACTED]	[REDACTED]
66	[REDACTED]	[REDACTED]
67	[REDACTED]	[REDACTED]
68	[REDACTED]	[REDACTED]
69	[REDACTED]	[REDACTED]
70	[REDACTED]	[REDACTED]
71	[REDACTED]	[REDACTED]
72	[REDACTED]	[REDACTED]
73	[REDACTED]	[REDACTED]
74	[REDACTED]	[REDACTED]
75	[REDACTED]	[REDACTED]
76	[REDACTED]	[REDACTED]
77	[REDACTED]	[REDACTED]
78	[REDACTED]	[REDACTED]
79	[REDACTED]	[REDACTED]

	Family Name	Given Name
80	[REDACTED]	[REDACTED]
81	[REDACTED]	[REDACTED]
82	[REDACTED]	[REDACTED]
83	[REDACTED]	[REDACTED]
84	[REDACTED]	[REDACTED]
85	[REDACTED]	[REDACTED]
86	[REDACTED]	[REDACTED]
87	[REDACTED]	[REDACTED]
88	[REDACTED]	[REDACTED]
89	[REDACTED]	[REDACTED]
90	[REDACTED]	[REDACTED]
91	[REDACTED]	[REDACTED]
92	[REDACTED]	[REDACTED]
93	[REDACTED]	[REDACTED]
94	[REDACTED]	[REDACTED]
95	[REDACTED]	[REDACTED]
96	[REDACTED]	[REDACTED]
97	[REDACTED]	[REDACTED]
98	[REDACTED]	[REDACTED]
99	[REDACTED]	[REDACTED]
100	[REDACTED]	[REDACTED]
101	[REDACTED]	[REDACTED]
102	[REDACTED]	[REDACTED]
103	[REDACTED]	[REDACTED]
104	[REDACTED]	[REDACTED]
105	[REDACTED]	[REDACTED]
106	[REDACTED]	[REDACTED]
107	[REDACTED]	[REDACTED]
108	[REDACTED]	[REDACTED]
109	[REDACTED]	[REDACTED]
110	[REDACTED]	[REDACTED]
111	[REDACTED]	[REDACTED]
112	[REDACTED]	[REDACTED]
113	[REDACTED]	[REDACTED]
114	[REDACTED]	[REDACTED]
115	[REDACTED]	[REDACTED]
116	[REDACTED]	[REDACTED]
117	[REDACTED]	[REDACTED]

	Family Name	Given Name
118	[REDACTED]	[REDACTED]
119	[REDACTED]	[REDACTED]
120	[REDACTED]	[REDACTED]
121	[REDACTED]	[REDACTED]
122	[REDACTED]	[REDACTED]
123	[REDACTED]	[REDACTED]
124	[REDACTED]	[REDACTED]
125	[REDACTED]	[REDACTED]
126	[REDACTED]	[REDACTED]
127	[REDACTED]	[REDACTED]
128	[REDACTED]	[REDACTED]
129	[REDACTED]	[REDACTED]
130	[REDACTED]	[REDACTED]
131	[REDACTED]	[REDACTED]
132	[REDACTED]	[REDACTED]
133	[REDACTED]	[REDACTED]
134	[REDACTED]	[REDACTED]
135	[REDACTED]	[REDACTED]
136	[REDACTED]	[REDACTED]
137	[REDACTED]	[REDACTED]
138	[REDACTED]	[REDACTED]
139	[REDACTED]	[REDACTED]
140	[REDACTED]	[REDACTED]
141	[REDACTED]	[REDACTED]
142	[REDACTED]	[REDACTED]
143	[REDACTED]	[REDACTED]
144	[REDACTED]	[REDACTED]
145	[REDACTED]	[REDACTED]
146	[REDACTED]	[REDACTED]
147	[REDACTED]	[REDACTED]
148	[REDACTED]	[REDACTED]
149	[REDACTED]	[REDACTED]
150	[REDACTED]	[REDACTED]
151	[REDACTED]	[REDACTED]
152	[REDACTED]	[REDACTED]
153	[REDACTED]	[REDACTED]
154	[REDACTED]	[REDACTED]
155	[REDACTED]	[REDACTED]

	Family Name	Given Name
156	██████████	██████████

Please note that custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions.

b. The specific offense(s) committed prior to the criminal alien’s FY 2013 release;

The following table is a list of the convictions associated with the criminal aliens prior to release from ICE custody.

Convictions	Number of Convictions ³
Burglary	159
Larceny	126
Drug Possession	115
Vehicle Theft	82
Traffic Offense	69
Dangerous Drugs	68
Probation Violation	58
Driving Under Influence Liquor	55
Battery	50
Trespassing	46
Assault	44
Prostitution	44
Weapon Offense	35
Receive Stolen Property	33
Narcotic Equip—Possession	33
Failure To Appear	31
Obstruct Police	27
Resisting Officer	25
Public Order Crimes	24
Drugs—Health or Safety	24
Robbery	23
Disorderly Conduct	23
Drug Trafficking	23
Parole Violation	22
Cocaine—Possession	21

³ Please note that an alien may have more than one criminal conviction. As such, the total number of criminal convictions is greater than the total number of criminal aliens released from ICE custody.

Amphetamine—Possession	20
Domestic Violence	19
Marijuana—Possession	18
Forgery	17
Stolen Vehicle	15
Stolen Property	13
Fraud	13
Carrying Concealed Weapon	13
Sex Offense	12
Fraud—False Statement	11
Unauthorized Use of Vehicle (includes joy riding)	11
Fraud—Impersonating	11
Hit and Run	11
Aggravated Assault—Weapon	10
Contempt Of Court	10
Sex Assault	10
Shoplifting	9
Violation of a Court Order	9
Simple Assault	9
Driving Under Influence Drugs	9
Forgery Of Checks	9
Threat Terroristic State Offenses	4
Cocaine—Sell	9
Possession Of Weapon	9
Burglary Tools—Possession	9
Liquor	9
Larceny—From Auto	9
Crimes Against Person	8
Licensing Violation	8
Damage Property	7
Flight To Avoid (prosecution, confinement, etc.)	6
Health—Safety	6
Marijuana—Sell	6
Indecent Exposure	6
Amphetamine—Sell	6
Cruelty Toward Wife	6
Carrying Prohibited Weapon	5
Public Peace	5
Burglary—Forced Entry—Residence	5

Synthetic Narcotic—Possession	5
Escape (identify type institution in comments) ⁴	5
Burglary—No Forced Entry—Non-Residence	4
Damage Property—Public	4
Theft And Use Vehicle Other Crime	4
Identity Theft	4
Theft And Sale Vehicle	4
Fraud—Insufficient Funds Check	4
Cruelty Toward Child	3
Escape From Custody	3
Possession Stolen Vehicle	3
Heroin—Possession	3
Aggravated Assault—Non-family—Strongarm	3
Burglary—Forced Entry—Non-Residence	3
Possession Stolen Property	3
Rape—Strongarm	3
Gang Activity	3
Failure To Register As A Sex Offender	3
Fraud—Illegal Use Credit Cards	3
Witness—Dissuading	3
Making False Report	2
Intimidation	2
Seduction Of Adult	2
Obstructing Court Order	2
Theft Vehicle By Bailee	2
Peeping Tom	2
Aggravated Assault—Family—Strongarm	2
Cocaine	2
Immigration (Possess of Fraud. Immigration Docs)	2
Damage Property—Private	2
Firing Weapon	2
Harassing Communication	2
Lewd or Lascivious Acts with Minor	2
Property Crimes	2
Aggravated Assault—Non-family—Weapon	2
Forgery Of (identify in comments)	2

⁴ Convictions are taken directly from the rap sheet located in the FBI's NCIC. Additional detail about the related crime(s) for these cases may be found either in local systems or courthouses.

Incest With Minor	1
Aggravated Assault—Non-family—Gun	1
Obstruct (specify Judiciary, Congress, Legislature, Commission in comments)	1
Heroin—Sell	1
Conditional Release Violation	1
False Citizenship	1
Smuggling Aliens	1
Weapon Trafficking	1
Obstruct Criminal Invest	1
Cruelty Toward Elderly	1
Molestation of Minor	1
False Imprisonment	1
Opium Or Derivatives—Possession	1
Marijuana	1
Smuggle Contraband Into Prison	1
Arson—Residence—Endangered Life	1
Family Offense	1
Robbery—Street—Weapon	1
Invade Privacy	1
Aggravated Assault—Police Officer—Strongarm	1
Flight—Escape	1
Illegal Entry (INA SEC.101(a)(43)(O), 8USC1325 only)	1
Larceny—From Building	1
Sex Assault—Carnal Abuse	1
Conceal Stolen Property	1
Illegal Re-Entry (INA SEC.101(a)(43)(O), 8USC1326 only)	1
Aggravated Assault—Gun	1
Sex Offense Against Child—Fondling	1
Amphetamine—Manufacturing	1
Robbery—Residence—Strongarm	1
Robbery—Street—Strongarm	1
Homicide—Negligent Manslaughter—Vehicle	1
TOTAL	1,776

Please note that custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions.

c. A detailed description of why the criminal alien was released in FY 2013, including any recommendation as to the release of the alien by the Office of the Principal Legal Advisor (OPLA);

Custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions. Of the 156 aliens who were released at least twice by ICE since FY 2013, 67 were released pursuant to the requirements of the U.S. Supreme Court’s decision in *Zadvydas v. Davis*, 16 were released pursuant to a bond set by the DOJ Executive Office for Immigration Review (EOIR), and 73 were released in accordance with the Immigration and Nationality Act, which includes release on bond, release on recognizance, and enrollment in the Alternatives to Detention (ATD) program or subject to other reporting requirements.

d. The jurisdiction into which the criminal alien was released in FY 2013;

The following table provides a breakdown of the states containing the detention facilities from which these aliens were released from ICE custody in FY 2013. Please note that custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions.

State of Detention Facility Tied to Second Release	Count of Criminal Aliens
California	124
Arizona	16
Texas	6
Florida	3
Georgia	2
North Carolina	1
Massachusetts	1
Wisconsin	1
Washington	1
Oregon	1
TOTAL	156

e. The specific offense(s) committed following the criminal alien’s FY 2013 release;

The following table is a list of the convictions associated with the criminal aliens following release from ICE custody. Please note that custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions.

Convictions	Number of Convictions⁵
Driving Under Influence Liquor	23
Drug Possession	19
Burglary	15
Larceny	15
Traffic Offense	12
Probation Violation	11
Parole Violation	9
Dangerous Drugs	9
Battery	8
Narcotic Equip—Possession	8
Trespassing	7
Vehicle Theft	7
Receive Stolen Property	6
Disorderly Conduct	6
Resisting Officer	5
Assault	5
Domestic Violence	5
Burglary Tools—Possession	5
Weapon Offense	4
Cruelty Toward Child	3
Unauthorized Use of Vehicle (includes joy riding)	3
Stolen Vehicle	3
Amphetamine—Possession	3
Obstruct Police	3
Possession Of Weapon	2
Prostitution	2
Fraud—False Statement	2
Crimes Against Person	2
Fraud	2
Damage Property	2
Possession Stolen Property	2
Shoplifting	2
Violation of a Court Order	2
Failure To Appear	2

⁵ Please note that an alien may have more than one criminal conviction. As such, the total number of criminal convictions is greater than the total number of criminal aliens released from ICE custody.

Convictions	Number of Convictions⁵
Synthetic Narcotic—Possession	2
Making False Report	2
Weapon Trafficking	1
Carrying Prohibited Weapon	1
Driving Under Influence Drugs	1
Drugs—Health or Safety	1
Stolen Property	1
Aggravated Assault—Police Officer—Strongarm	1
Threat Terroristic State Offenses	1
Failure To Register As A Sex Offender	1
Marijuana (describe offense) ⁶	1
Property Crimes	1
Cruelty Toward Wife	1
Forgery	1
Indecent Exposure	1
Public Order Crimes	1
Terrorism	1
Public Peace	1
Aggravated Assault—Gun	1
Forgery Of Checks	1
Marijuana—Possession	1
Carrying Concealed Weapon	1
Aggravated Assault—Weapon	1
Sex Offender Registration Violation	1
Drug Trafficking	1
Sex Offense	1
Licensing Violation	1
TOTAL	243

f. A detailed description of why the criminal alien was released a second time since FY 2013, including any recommendation as to the release of the alien by the Office of the Principal Legal Advisor (OPLA); and

Custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions. Of the 156 aliens who were released at least

⁶ Convictions are taken directly from the rap sheet located in the FBI's NCIC. Additional detail about the related crime(s) for these cases may be found either in local systems or courthouses.

twice by ICE since FY 2013, in accordance with the Immigration and Nationality Act, 88 were released on Order of Supervision, 40 were released on Bond⁷, and 28 were released on Order of Recognizance.

g. The jurisdiction into which the criminal alien was released following his post-FY 2013 release-conviction.

A total of 156 aliens were released following a post-FY 2013 release-conviction. The following table provides a breakdown of the states containing detention facilities from which these aliens were released from ICE custody following the post-FY 2013 release-conviction. Please note that custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions.

State of Detention Facility Tied to Second Release	Count of Criminal Aliens⁸
California	124
Arizona	16
Texas	6
Florida	3
Georgia	2
Massachusetts	1
North Carolina	1
Oregon	1
Washington	1
Wisconsin	1
TOTAL	156

5. How many of these 156 repeat offenders were released due to *Zadvydas*? How many were released pursuant to a bond set by an Immigration Judge in the Justice Department’s Executive Office for Immigration Review (EOIR)? Of those released pursuant to a bond by EOIR, in how many cases did OPLA appeal the bond decision? How many were released pursuant to ICE’s discretion?

Custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions. Of the 156 aliens who were released at least twice by ICE since FY 2013, 67 were released pursuant to the requirements of the U.S. Supreme Court’s decision in *Zadvydas v. Davis*, 16 were released pursuant to a bond set by the DOJ EOIR, and 73 were released in accordance with the Immigration and Nationality Act, which includes release on bond, parole, and enrollment in ATD or subject to other reporting requirements. Of the 16

⁷ These include bonds set by the EOIR.

⁸ Please note that an alien may have more than one criminal conviction. As such, the total number of criminal convictions is greater than the total number of criminal aliens released from ICE custody.

released pursuant to a bond set by the DOJ EOIR, OPLA appealed one of the DOJ EOIR bond decisions.

6. Have any of the 156 repeat offenders who have been released from ICE custody at least twice since FY 2013 been *charged* with another offense following the criminal alien’s most recent release from ICE custody? If so, which crimes and how many?

As of July 25, 2015, of the 156 aliens who were released at least twice by ICE since FY 2013, 47 aliens were charged with a total of 106 offenses following their most recent release from ICE custody. The following table lists the crimes with which the aliens were charged following their most recent release from ICE custody. Please note that custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions.

Criminal Charges	Number of Charges
Drug Possession	15
Burglary	10
Driving Under Influence Liquor	6
Dangerous Drugs	5
Larceny	5
Vehicle Theft	4
Probation Violation	4
Battery	4
Robbery	3
Violation of a Court Order	3
Traffic Offense	3
Failure To Appear	3
Narcotic Equip—Possession	3
Resisting Officer	2
Damage Property	2
Possession Stolen Property	2
Shoplifting	2
Amphetamine—Possession	2
Drugs—Health or Safety	2
Parole Violation	2
Obstruct Police	2
Fraud—False Statement	2
Trespassing	1
False Citizenship	1
Receive Stolen Property	1
Assault	1

Criminal Charges	Number of Charges
Smuggle Contraband Into Prison	1
Opium Or Derivatives—Possession	1
Driving Under Influence Drugs	1
Drug Trafficking	1
Domestic Violence	1
Carrying Prohibited Weapon	1
Fraud	1
Eavesdropping	1
Weapon Offense	1
Property Crimes	1
Weapon Trafficking	1
Public Order Crimes	1
Cruelty Toward Elderly	1
Public Peace	1
Aggravated Assault—Police Officer—Strongarm	1
Fraud—Illegal Use Credit Cards	1
TOTAL	106

7. **Have any of the 156 repeat offenders who have been released from ICE custody at least twice since FY 2013 been *convicted* of another offense following the criminal alien’s most recent release from ICE custody? If so, which crimes and how many?**

As of July 25, 2015, of the 156 aliens who were released at least twice by ICE since FY 2013, 12 aliens were convicted of a total of 20 offenses following their most recent release from ICE custody. Please find the crimes of which the aliens were convicted following their most recent release from ICE custody. Please note that custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions.

Convictions	Number of Convictions
Burglary	3
Probation Violation	2
Possession Stolen Property	2
Resisting Officer	1
Larceny	1
Vehicle Theft	1
Obstruct Police	1
Dangerous Drugs	1
Amphetamine—Possession	1
Driving Under Influence Liquor	1

Public Peace	1
Drug Possession	1
Traffic Offense	1
Fraud	1
Aggravated Assault—Police Officer—Strongarm	1
Fraud—False Statement	1
TOTAL	20

8. According to ICE, 40,684 criminal aliens participated in the electronic monitoring portion of the Alternatives to Detention (ATD) program in FY 2013. Of these, 630 of them committed a sufficiently serious violation of a condition of their release to warrant termination from the program by ICE.

a. Please provide clarity on how the 40,684 figure is consistent with ICE’s prior statements that only 36,007 criminal aliens were released from ICE custody in FY 2013.

The 40,684 figure represents the total number of aliens who participated in the ATD program in FY 2013 whereas the 36,007 figure represents the number of *criminal* aliens released from ICE custody in FY 2013. Of the 40,684 alien figure, 2,022 individuals on ATD violated a condition of release that warranted removal from the program. Of the 36,007 criminal alien figure, there were 630 individuals on ATD who violated a condition of release that warranted removal from the program.

b. Please provide a breakdown of the violations of release conditions that were committed by the 630 ATD participants who were terminated from the ATD program in FY 2013.

The 630 aliens represent criminal aliens who were released from ICE custody in FY 2013 who were terminated from ATD due to violating a condition of release that warranted removal from the program either as absconders or program violators.⁹

c. Following their removal from the ATD program, how many of these 630 criminal aliens were removed from the country?

Following their termination from the ATD program, ICE removed 113 aliens from the United States, as of August 15, 2015.

d. Following their removal from the ATD program, how many of these 630 criminal aliens were rebooked into custody?

⁹ Participants are terminated as absconders if they cannot be located. Participants, who can be located, but who are not in compliance with release conditions, and whom ICE is unable to take into custody are discontinued as program violators.

Following their termination from the ATD program, 159 aliens were booked back into ICE custody, as of August 15, 2015.

- e. Following their removal from the ATD program, how many of these 630 criminal aliens were released under a different mechanism that ICE uses to book aliens out of custody?**

Custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions. Following their termination from the ATD program and their being re-booked into ICE custody, 45 aliens were subsequently released from ICE custody, as of August 15, 2015.¹⁰

- f. Following their removal from the ATD program, how many of these 630 criminal aliens were convicted of another offense? Please specify each offense and the jurisdiction in which the criminal was convicted.**

Following their termination from the ATD program, 104 aliens were subsequently convicted of a criminal offense. The following table lists the crimes of which the aliens were convicted following their termination from the ATD program in FY 2013. ICE is unable to provide jurisdiction of conviction. Please note that custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions.

Convictions	Number of Convictions¹¹
Traffic Offense	22
Driving Under Influence Liquor	22
Probation Violation	13
Drug Possession	11
Larceny	9
Assault	8
Resisting Officer	8
Domestic Violence	7
Illegal Entry (INA SEC.101(a)(43)(O), 8 USC 1325 only)	7
Burglary	6
Disorderly Conduct	5
Narcotic Equip—Possession	5
Failure To Appear	5
Public Order Crimes	4

¹⁰ These aliens are a subset of the 159 aliens who were booked back into ICE custody, as of August 15, 2015.

¹¹ Please note that an alien may have more than one criminal conviction. As such, the total number of criminal convictions is greater than the total number of criminal aliens released from ICE custody.

Convictions	Number of Convictions¹¹
Vehicle Theft	4
Battery	4
Amphetamine—Possession	4
Dangerous Drugs	3
Trespassing	3
Damage Property	3
Liquor—Possession	3
Fraud—False Statement	3
Obstruct Police	2
Marijuana—Possession	2
Burglary Tools—Possession	2
Contempt Of Court	2
Aggravated Assault—Weapon	2
False Imprisonment	2
Possession Of Weapon	2
Flight To Avoid (prosecution, confinement, etc.)	2
Shoplifting	2
Drug Trafficking	2
Stolen Vehicle	2
Receive Stolen Property	1
Fraud—Impersonating	1
Smuggling Aliens	1
Homicide—Negligent Manslaughter—Weapon	1
Prostitution	1
Identity Theft	1
Robbery	1
Cruelty Toward Child	1
Aggravated Assault—Non-family—Strongarm	1
Stolen Property	1
Hallucinogen—Possession	1
Cocaine—Possession	1
Carrying Prohibited Weapon	1
Failure To Register As A Sex Offender	1
Driving Under Influence Drugs	1
Weapon Offense	1
Harassing Communication	1
Forgery	1
Health—Safety	1

Convictions	Number of Convictions¹¹
Fraud	1
Aggravated Assault—Public Officer—Strongarm	1
Cocaine—Sell	1
Liquor	1
Violation of a Court Order	1
Damage Property—Public	1
Embezzle	1
Making False Report	1
TOTAL	208

- g. Following their removal from the ATD program, were any of these 630 criminal aliens charged or convicted of homicide? If so, how many?**

Following termination from the ATD program, four aliens were charged with a homicide-related offense, and one alien was convicted of a homicide-related offense (Homicide—Negligent Manslaughter—Weapon).

- 9. According to ICE, “ICE is only able to report on those aliens who were enrolled in ATD because compliance information about individuals released on other forms of supervision is contained within a non-searchable, free-text field.” What steps have you taken to make searchable compliance information of criminals who are released from ICE custody and back into society under forms of supervision other than ATD?**

ICE conducts docket management on a case-by-case basis reviewing and considering the facts of each alien on an individualized basis in order to make appropriate enforcement decisions. Deportation Officers must be able to make case-specific notes in a free text field in order to capture nuanced information such as, for example, the behavior or disposition of an alien when he or she reports pursuant to an order of supervision, or official interactions with a consulate or embassy to which ICE has made a travel document request.

ICE is currently studying case modernization plans to increase search capabilities in upcoming fiscal years.

- 10. In FY 2014, ICE released from its custody 30,558 criminal aliens with a total of 79,059 convictions instead of deporting them.**

ICE exercises its detention and release authorities in accordance with applicable law, including U.S. Supreme Court precedent. Accordingly, ICE has very limited authority to detain an individual who is subject to a final order of removal for more than 180 days in the absence of a significant likelihood of removal in the reasonably foreseeable future. In some cases, ICE has discretion to determine which individuals will be held in custody or released from ICE custody while in removal proceedings or while awaiting removal, often on conditions of release such as electronic monitoring or regular reporting requirements.

a. How many of these criminal aliens have been *charged* with a crime following their release in FY 2014?

As of July 25, 2015, a total of 1,895 were charged with a crime following their release.

b. How many of these criminal aliens have been *convicted* of a crime following their release in FY 2014?

As of July 25, 2015, a total of 1,607 were convicted of a crime following their release.

c. How many crimes have these 30,558 criminal aliens been convicted of following their release in FY 2014? Please identify each specific offense by NCIC code and the jurisdiction in which the conviction occurred.

As of July 25, 2015, a total of 1,607 aliens convicted of a crime had a total of 2,560 convictions following their release. The following table lists the crimes of which the aliens were convicted. Please note that custody and release determinations are made as a matter of controlling law, regulation, and precedential decisions.

Convictions	Number of Convictions
Traffic Offenses	1,044
Dangerous Drugs	298
Assault	185
Obstructing Judiciary, Congress, Legislature, Etc.	166
Public Peace	103
Larceny	98
Fraudulent Activities	96
General Crimes	74
Obstructing the Police	70
Burglary	60
Immigration	53
Stolen Property	42
Weapon Offenses	40
Stolen Vehicle	37
Forgery	35
Invasion of Privacy	27
Family Offenses	26
Sex Offenses (Not Involving Assault or Commercialized Sex)	19
Damage Property	16
Liquor	11
Robbery	10

Convictions	Number of Convictions
Sexual Assault	10
Commercialized Sexual Offenses	9
Health/Safety	7
Flight/Escape	4
Kidnapping	4
Threat	4
Arson	2
Embezzlement	2
Extortion	2
Bribery	1
Conservation	1
Homicide	1
Juvenile Offenders	1
Smuggling	1
Tax Revenue	1
TOTAL	2,560

Regarding the jurisdiction in which the conviction occurred, ICE is unable to provide the requested information and defers to DOJ.

d. How many of these criminal aliens have been removed from the United States subsequent to their release in FY 2014?

As of July 25, 2015, a total of 974 were removed from the United States following their release.

e. How many of these 30,558 criminal aliens remain in the United States today?

A total of 28,017 have an active case¹² with ICE, as of July 25, 2015. Of the 30,558 criminal aliens, there are 1,567 individuals who do not have an active case with ICE, nor were removed following their release. These individuals may have been subject to the termination of their removal proceedings or granted relief by an immigration judge.

¹² Aliens with an active case with ICE include those who are in immigration proceedings, as well as those who have been ordered removed but whom ICE is still supervising on the non-detained docket, coordinating removal, and/or has been unable to confirm departure. Not included in active cases are cases that are closed, and cases in which the alien was removed by U.S. Customs and Border Protection, or not turned over to ICE.