

Department of Homeland Security **Office of Inspector General**

Operations of United States Immigration
and Customs Enforcement's Secure
Communities





Homeland
Security

April 5, 2012

Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the Department.

This report addresses the operations of the United States Immigration and Customs Enforcement's Secure Communities. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

The recommendations herein have been developed to the best knowledge available to our office, and have been discussed in draft with those responsible for implementation. We trust this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in black ink that reads "Anne L. Richards".

Anne L. Richards
Assistant Inspector General for Audits

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Abbreviations

ACRIME	Alien Criminal Response Information Management System
DHS	Department of Homeland Security
FBI	Federal Bureau of Investigation
FY	fiscal year
IAFIS	Integrated Automated Fingerprint Identification System
ICE	United States Immigration and Customs Enforcement
IDENT	Automated Biometric Identification System
LESC	Law Enforcement Support Center
OIG	Office of Inspector General

OIG

*Department of Homeland Security
Office of Inspector General*

Executive Summary

The Department of Homeland Security's (DHS) United States Immigration and Customs Enforcement (ICE) is responsible for identifying, detaining, and removing deportable aliens from the United States. In 2008, it implemented Secure Communities to enhance its ability to identify criminal aliens nationwide. The key component of Secure Communities is automated information sharing between the Department of Homeland Security and the Federal Bureau of Investigation. Since 2008, ICE has spent about \$750 million on Secure Communities and identified more than 692,000 criminal aliens. In response to a request from Representative Zoe Lofgren, the Office of Inspector General initiated two reviews of Secure Communities. We performed this audit to determine if Secure Communities was effective in identifying criminal aliens and if Immigration and Customs Enforcement appropriately prioritized cases for removal action.

Secure Communities was effective in identifying criminal aliens, and in most cases, ICE officers took enforcement actions according to agency enforcement policy. Under Secure Communities, the agency expanded its ability to identify criminal aliens in areas not covered by its other programs. In addition, it was able to identify criminal aliens earlier in the justice process, some of whom it would not have identified under other programs. Secure Communities was implemented at little or no additional cost to local law enforcement jurisdictions. Although ICE was able to identify and detain criminal aliens, field offices duplicated the research associated with their detention, and officers did not always sufficiently document their enforcement actions. To improve the transparency and thoroughness of its processes under Secure Communities, the agency needs to eliminate the duplication of research and ensure that officers fully document their actions.

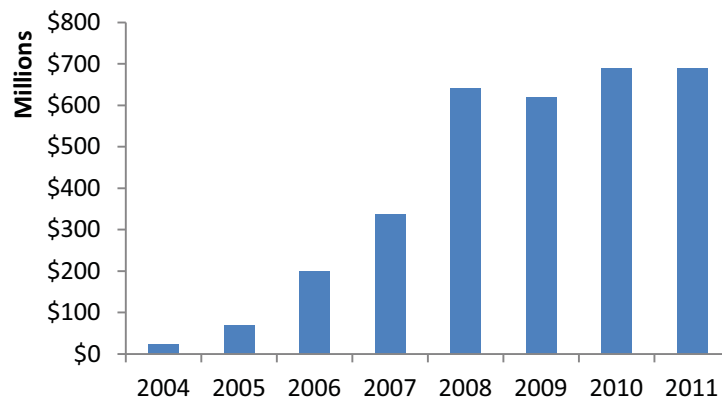
We made two recommendations to improve the agency's overall management of Secure Communities. ICE concurred with the two recommendations and is taking action to implement them.

Background

ICE is responsible for identifying, detaining, and removing deportable aliens from the United States. In addition to Secure Communities, ICE has three programs to identify and apprehend criminal aliens: the Criminal Alien Program, 287(g) Program, and the National Fugitive Operations Program. Appendix C contains descriptions of these programs.

Funding for the identification and removal of criminal aliens has increased significantly, from \$23.5 million in fiscal year (FY) 2004 to about \$690 million in FY 2011. ICE has spent about \$3.3 billion on these efforts since FY 2004. Figure 1 shows the annual funding increases for criminal alien identification and removal.

Figure 1. Funding for Criminal Alien Identification and Removal, FYs 2004 Through 2011



Source: ICE.

Federal Information Sharing

The key component of Secure Communities is automated information sharing between the DHS' Automated Biometric Identification System (IDENT)¹ and the Federal Bureau of Investigation's (FBI) Integrated Automated Fingerprint Identification System (IAFIS). IDENT collects fingerprints and other information for its mission-related functions, such as national security, law enforcement, immigration, and intelligence. IAFIS is

¹ IDENT is the primary DHS-wide system to collect and process biometric and limited biographic information for DHS's mission-related functions such as national security, law enforcement, immigration, and intelligence.

the largest fingerprint database in the world, housing more than 70 million fingerprints and criminal histories.

The integration of information in IDENT and IAFIS began as early as 1998. In 2001, Congress mandated integration of the systems through the *USA PATRIOT Act of 2001* (Public Law 107-56), which required the creation of an electronic system to share law enforcement and intelligence information to confirm the identities of persons applying for United States visas. The integrated system would be easily accessible to all consular offices, federal inspection agents, and law enforcement officers responsible for investigating aliens. *The Enhanced Border Security and Visa Entry Reform Act of 2002* (Public Law 107-173), which amended the *USA PATRIOT Act of 2001*, mandated that immigration authorities have immediate access to relevant information in federal law enforcement agencies' databases to determine the admissibility or deportability of an alien.

Secure Communities Identification Process

In the *Consolidated Appropriations Act, 2008* (Public Law 110-161), Congress appropriated \$200 million for ICE to “improve and modernize efforts to identify aliens convicted of a crime, sentenced to imprisonment, and who may be deportable, and remove them from the United States once they are judged deportable.” In April 2008, as required by Congress, ICE submitted *Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens*. According to ICE's most recent plan, from March 2010, the goals of Secure Communities are to—

- Identify criminal aliens through modernized information sharing;
- Prioritize enforcement actions to ensure apprehension and removal of dangerous criminal aliens; and
- Transform criminal alien enforcement processes and systems.

Since FY 2008, Congress has appropriated about \$750 million to ICE to improve and modernize the process for identifying and removing criminal aliens. According to ICE, as of September 30, 2011, it had spent most of the \$750 million and identified more than 692,000 criminal aliens. Prior to the implementation of Secure Communities, law enforcement agencies sent fingerprints of arrested individuals to the FBI to determine whether the

individuals had outstanding warrants or a criminal history. Under Secure Communities, IAFIS automatically shares these fingerprints with DHS to screen IDENT for removable aliens. If the fingerprints match a person with an immigration record, the information is automatically sent to ICE's Law Enforcement Support Center (LESC).²

LESC personnel research each match, confirm the individual's identity, and make an initial determination on the individual's criminal history and immigration status. The LESL's initial check may indicate that the alien is removable because he or she entered the country illegally, overstayed a visa, or was previously deported. After the LESL makes its initial determination, it alerts the appropriate ICE field office or one of ICE's Interoperability Resource Centers.

Field office personnel duplicate research of the criminal history and immigration status and determine whether to detain and remove the individual. In making a determination, officers consider the entire criminal and immigration history. For example, an alien previously convicted of an aggravated felony is considered high priority for removal, even if his or her current arrest is for an otherwise minor offense. If necessary, officers request the arresting local jurisdiction to detain aliens for up to 48 hours (excluding holidays and weekends) to allow ICE to take custody.

Individuals With Fingerprints in IDENT

Individuals with fingerprints in IDENT include persons with an immigration history, such as aliens who have been removed but have reentered the country, immigration visa applicants, legal permanent residents, naturalized citizens, and some U.S. citizens. IDENT includes two categories of U.S. citizens:

- Citizens who have adopted a child from abroad (which involves U.S. Citizenship and Immigration Services), participated in a trusted traveler program, or may have been fingerprinted by immigration officials for smuggling aliens or drugs across U.S. borders;
- Individuals who were not citizens at the time that their fingerprints were collected, but subsequently became

² The LESL operates 24 hours a day, 7 days a week, and provides identity information, immigration status, and assistance to law enforcement agencies for aliens suspected, arrested, or convicted of criminal activity.

citizens through naturalization, legal permanent residency, or immigration.

Results of Audit

Under Secure Communities, ICE effectively identified criminal aliens, and in most cases ICE officers took enforcement actions according to ICE's enforcement policy. Further, Secure Communities expanded ICE's ability to identify criminal aliens in areas not previously covered by its other programs. ICE was also able to identify criminal aliens, some of whom it might not have otherwise identified, earlier in the criminal justice process. Secure Communities was implemented at little or no additional cost to local law enforcement jurisdictions. However, because technology did not allow the LESC to share its research on criminal aliens, ICE officers duplicated the research necessary to detain criminal aliens. In addition, ICE officers did not always sufficiently document their actions related to individuals with identity matches. ICE needs to eliminate duplication of research and ensure that officers document their actions regarding individuals identified through Secure Communities to improve transparency and demonstrate that its officers are taking appropriate actions.

Criminal Alien Identification

Secure Communities enhanced ICE's ability to identify aliens with criminal convictions by expanding to areas not previously covered by its enforcement programs. In addition, Secure Communities allowed ICE to identify aliens who it normally would not encounter in the criminal justice process.

Expanded Identification Coverage

Secure Communities enhanced ICE's ability to enforce U.S. immigration laws by expanding its coverage to jurisdictions where it did not previously have a presence. In FY 2008, ICE estimated that 300,000 to 450,000 criminal aliens were incarcerated in federal and State prisons and local jails. ICE's Criminal Alien Program focused on screening and identifying aliens in all federal and State prisons and in some local jails. Although ICE screened all federal and State prisons for criminal aliens, it reported being able to screen only 14% of local jails nationwide. According to ICE, as of December 28, 2011, it had implemented Secure Communities in 2,027 jurisdictions in 44 States, or 64% of the Nation's 3,181 jurisdictions. ICE planned to expand Secure Communities coverage nationwide by 2013.

As Secure Communities expanded to more jurisdictions, ICE reported a corresponding increase in the number of fingerprint matches in IDENT. Between FYs 2009 and 2011, the number of matches more than tripled. Figures 2 and 3 show the relationship between the implementation of Secure Communities and IDENT matches.

Figure 2. Activated Jurisdictions, FYs 2009 Through 2011

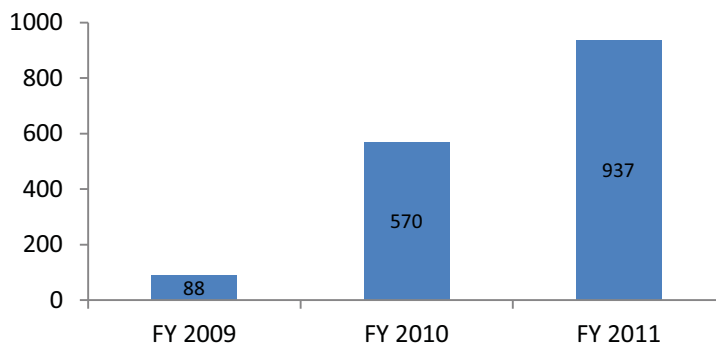
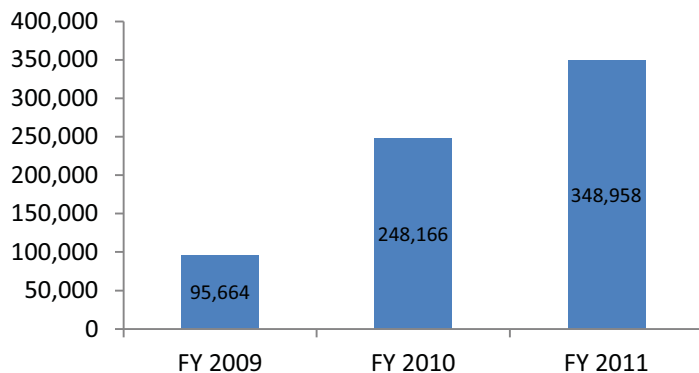


Figure 3. IDENT Matches, FYs 2009 Through 2011



Source: ICE.

Earlier Identification of Criminal Aliens

The information sharing capability of Secure Communities also allowed ICE to identify removable aliens earlier in the criminal justice process. ICE was able to identify individuals when local jurisdictions first submitted the fingerprints rather than after incarceration. Earlier identification meant that ICE could remove aliens with prior convictions or immigration violations regardless of the current charges against them.

Prior to Secure Communities, under the Criminal Alien Program and the 287(g) Program, ICE might not have been able to identify

aliens with prior convictions or immigration violations if their most current charges were minor and no prison sentences were imposed. Under Secure Communities, local jurisdictions that arrest individuals for minor charges submit their fingerprints to the FBI, which then sends the fingerprints to DHS for screening in IDENT. When IDENT matches are found, ICE researches these individuals' immigration and criminal histories and requests detention. For example:

- A person fleeing from police officers after a traffic violation who had previously served a 2-year sentence for illegal reentry into the United States and had 11 criminal convictions, including drug trafficking and assault;
- A person possessing illegal drugs who had prior convictions for aggravated felonies, including larceny and fraud; and
- A person driving without a license who had prior convictions for assault and larceny and who had been previously removed from the United States.

Duplicative Research

ICE officers performed duplicative research before taking enforcement action because the LESC did not have the technical capability to share details of its initial research with ICE field offices. Once fingerprints matched an immigration record, LESC personnel reviewed as many as 16 databases to determine the criminal history and immigration status of the matched individual. After the LESC notified a field office or Interoperability Resource Center, ICE personnel researched matches again because the LESC's notices did not contain details of its research, such as past convictions or a comprehensive immigration history. ICE officers conducted their own research of matches because of the LESC's technical limitations, and because officers wanted to ensure that they took appropriate enforcement actions.

ICE attempted to eliminate duplication in the research process by modernizing the LESC's Alien Criminal Response Information Management System (ACRIME).³ Since FY 2008, ICE has spent about \$12 million for a contractor to develop ACRIME into a system that would allow ICE's field personnel to review the

³ The LESC's ACRIME supports ICE's responses to immigration status inquiries on individuals arrested or encountered by local law enforcement agencies.

LESC's research or to perform their own research. However, after the initial attempt to modernize ACRIME, the system did not function as intended. In October 2011, ICE obtained a new contractor to continue to develop ACRIME, but it does not have a new timeline for ACRIME deployment.

Enforcement Actions

Officers generally took enforcement actions consistent with ICE's enforcement policy. However, officers did not always sufficiently document these actions.

ICE's Enforcement Priorities

In March 2011, ICE reissued its policy outlining enforcement priorities for all ICE programs. According to the enforcement policy, ICE officers may still pursue the removal of all aliens unlawfully in the United States, but should commit resources primarily to the following:

- **Priority 1:** Aliens who pose a danger to national security or a risk to public safety. ICE defined three levels of Priority 1 crimes:
 - Crime Level 1: Aliens convicted of aggravated felonies,⁴ or two or more crimes each punishable by more than 1 year (commonly referred to as “felonies”).
 - Crime Level 2: Aliens convicted of any felony, or three or more crimes punishable by less than 1 year (commonly referred to as “misdemeanors”).
 - Crime Level 3: Aliens convicted of crimes punishable by less than 1 year.
- **Priority 2:** Aliens who violate immigration controls at the border and at ports of entry or have abused visa programs.

⁴ *The Immigration and Nationality Act of 1952*, as amended, defines “aggravated felonies” for purposes of the act to include such crimes as murder; rape; illicit trafficking of firearms and controlled substances; violent crimes for which the term of imprisonment is at least 1 year; fraud offenses over \$10,000; certain offenses related to alien smuggling; and theft or burglary for which the term of imprisonment is at least 1 year. See 8 U.S.C. 1101(a)(43).

-
- **Priority 3:** Aliens who are fugitives⁵ or have otherwise obstructed immigration controls. This priority includes aliens who reenter the country illegally after removal or enter fraudulently.

Adjustment to Crime Levels

Between FY 2008 and FY 2010, Secure Communities used a standard list of crimes to prioritize enforcement actions. As part of its new enforcement policy, ICE modified the crime levels under its top priority (Priority 1) as follows:

- **Level 1:** Moved 17 crimes, which had been at Level 2 or 3, up to this level, including 11 crimes with sentences of more than 1 year such as drug trafficking, alien smuggling, and arson. The remaining 6 of 17 included crimes such as terrorism and human slavery and trafficking. The *Immigration and Nationality Act of 1952*, as amended, defines all 17 of these crimes as aggravated felonies.
- **Level 2:** Moved eight crimes up to this level from Level 3, including illegal reentry, identity theft, extortion, and gang activity.
- **Level 3:** Added 13 crimes to this level, including violating court orders, harboring fugitives, and disorderly conduct.

Regardless of the crime level, ICE's priority is to remove aliens with criminal convictions. However, ICE considers aliens with Level 1 convictions higher priority than those with Level 2 or 3 convictions.

Assessing Enforcement Decisions

In most cases, ICE officers took enforcement action consistent with enforcement policy. We selected 766 Secure Communities cases from FY 2011 to assess the actions officers took in response to matches in IDENT. In 43 of the 766 cases, officers did not enter all pertinent information into the case management system. ICE's records were not sufficient to determine whether officers took appropriate actions. In some of the 43 cases, officers did not enter any information into the system.

⁵ Fugitive aliens are those who receive a final order of removal but have not surrendered to ICE or have not left the United States.

Of the 723 cases we could assess, officers took enforcement actions consistent with ICE’s policy in 698 (97%). Our review showed that officers—

- Requested detention, removed, or determined that individuals could not be removed from the United States for 267 Priority 1 criminal cases and 48 Priority 2 or 3 cases;
- Requested detention of 11 legal permanent residents with removable convictions;
- Did not request detention of 88 U.S. citizens, 218 aliens with legal status, and 21 aliens with no prior immigration or criminal records; and
- Requested detention of 45 aliens with criminal charges. Although these cases did not fall under one of ICE’s three priorities, ICE determined that the individuals were in the country unlawfully and pursued removal.

In the remaining 25 (3%) of 723 cases, officers’ enforcement actions did not appear to align with ICE’s enforcement policy. Although information in the case management system indicated that these cases fell under one of ICE’s priorities, there was no record of officers requesting detention in 16 Priority 1 cases or 8 Priority 2 or 3 cases. In addition, officers requested detention of one legal permanent resident who did not have a removable conviction. According to ICE, this individual had a lengthy criminal record, but ICE could not provide information showing any removable conviction.

Secure Communities Incarceration Costs

Law enforcement agencies in jurisdictions activated under Secure Communities did not incur significant incarceration costs resulting from activation. We interviewed law enforcement officials at 37 activated local jurisdictions to determine whether Secure Communities resulted in increased incarceration costs. Of these 37 jurisdictions, 31 (84%) reported that they did not incur incarceration costs, and the remaining 6 (16%) incurred minimal costs. However, none of the jurisdictions that reported minimal costs could quantify them.

We attempted to interview officials in Cook County, Illinois, after the county claimed that it incurred significant costs detaining criminal aliens identified through Secure Communities. Cook County claimed that it

incurred about \$43,000 per day, or \$15 million per year, in incarceration costs, but at the time of our review ICE had not activated Secure Communities in Cook County.

Actions Taken by ICE

During the time of our review, ICE developed and implemented changes in its case management process. In July 2011, ICE issued a new policy instructing its officers to document alien encounters in the case management system. In addition, in November 2011, ICE reiterated to all field offices its case management requirement to document all Secure Communities matches, whether or not officers took enforcement actions.

Recommendations

We recommend that the Immigration and Customs Enforcement's Enforcement and Removal Operations, Executive Associate Director:

Recommendation #1: Develop procedures to eliminate duplication in the identification process. If necessary, develop short-term and long-term procedures.

Recommendation #2: Develop procedures and system controls to ensure that officers complete all records for individuals identified through Secure Communities.

Management Comments and OIG Analysis

We obtained and reviewed written comments on the draft report from ICE's Chief Financial Officer. Where appropriate, we made changes to the report. According to its response to the draft report, ICE concurred with both of the recommendations. We included a copy of the management comments in their entirety in appendix B. The following is an evaluation of ICE's official response.

Management Response on Recommendation #1

ICE concurred with the recommendation and stated that it continues to modernize ACRIME to provide an interface that will make data available to specialists. The enhancements will provide searching capabilities to field offices and will provide field agents with access to the information that an LESC specialist used in their query response. This will provide a more efficient process for both the LESC and field offices to determine and report an individual's

status and will eliminate the duplication that currently occurs when a field agent validates the LESC research and status determination. ICE estimated that it will provide all field offices nationwide with the enhancements in FY 2013. In addition, ICE stated that short-term solutions would add inefficiencies to the identification process, increase processing times for status determinations, and lengthen time for incoming queries from law enforcement agencies.

OIG Analysis: We consider ICE's actions responsive and consider the recommendation resolved, but it will remain open until ICE completes deployment of the modernized ACRIME system.

Management Response on Recommendation #2

ICE concurred with the recommendation and stated that it is developing a monthly report that will identify compliance rates in line with the requirement to document encounters and dispositions on all IDENT matches, even for cases where ICE did not take enforcement action. The report will document the compliance rate for each ICE field office and provide details for the IDENT matches that did not have a corresponding encounter and processing disposition entered into ICE's enforcement systems.

OIG Analysis: We consider ICE's actions responsive and consider the recommendation resolved, but it will remain open until ICE provides an example of its recurring report.

Appendix A

Purpose, Scope, and Methodology

In response to a request from Representative Zoe Lofgren, the Office of Inspector General initiated two reviews of Secure Communities. This report provides the results of our work to determine whether ICE's Secure Communities was effective in identifying criminal aliens and prioritizing cases for removal actions. To achieve our objectives, we—

- Interviewed ICE officials in Washington, DC; LESC officials in Burlington, Vermont; and ICE officers in Boston, Massachusetts; Denver, Colorado; Miami, Florida; Houston, Texas; Phoenix, Arizona; Los Angeles, San Diego, and San Francisco, California; and Chicago, Illinois;
- Interviewed law enforcement agencies in 37 local jurisdictions to determine whether they incurred incarceration costs attributable to activation of Secure Communities;
- Reviewed a random sample of 766 cases to determine whether ICE officers' enforcement actions were consistent with ICE's priorities;
- Reviewed policies and procedures related to identification of criminal aliens, prioritization of enforcement actions, and officer use of prosecutorial discretion;
- Reviewed contract documentation for ICE's ACRIME modernization effort;
- Assessed the reliability and validity of ICE's data; and
- Reviewed prior audit reports regarding enforcement action decisions and identification and removal of criminal aliens.

We conducted this performance audit between July and November 2011 under the authority of the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.

Appendix B
Management Comments to the Draft Report

Office of the Chief Financial Officer

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



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

February 23, 2012

MEMORANDUM FOR: Anne L. Richards
Assistant Inspector General for Audits
Office of Inspector General

FROM: *for* *Radha C. Sekal*
Radha C. Sekal
Chief Financial Officer

SUBJECT: Effectiveness of United States Immigration and Customs
Enforcement's Secure Communities -- OIG Project No. 11-
138-AUD-ICE

U.S. Immigration and Customs Enforcement (ICE) is pleased to provide a response to the draft report for this subject audit. ICE concurs with the two recommendations and our comments are attached.

If you have any questions, please contact Michael Moy, OIG Portfolio Manager, at 202-732-6263, or via email at Michael.Moy@dhs.gov.

Attachments

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Appendix B

Management Comments to the Draft Report

Recommendation 1: Develop procedures to eliminate duplication in the identification process. If necessary, develop short-term and long-term procedures.

ICE concurs with this recommendation. As the report has indicated, ICE continues its development of the modernized Alien Criminal Response Information Management System (ACRIME), which will automate key components of the status determination process, decrease the number of systems the Law Enforcement Support Center (LESC) law enforcement specialist must manually search, and provide specialists an interface to make data available to ENFORCE. These enhancements will provide searching capability to field offices, as well as provide field agents access to the information an LESC specialist used in their query response. This functionality will provide a more efficient process for both the LESC and field offices to determine and report an individual's status and will eliminate the duplication that currently occurs when a field agent validates the LESC research and status determination.

The implementation milestones for ACRIME include:

- Develop a web-based interface for searching of National Crime Information Center (NCIC) and National Law Enforcement Telecommunications System (NLETS): Completed during quarter one fiscal year 2012.
- Deploy the web-based interface for searching NCIC and NLETS: Completed during quarter two of fiscal year 2012.
- Begin development of Immigration Alien Query (IAQ) processing to replace the legacy ACRIME IAQ processing component: Estimated during quarter two of fiscal year 2012.
- Begin development of Field Access Release to allow field office staff to review the LESC's research or to perform their own research. Estimated during quarter three of fiscal year 2012.
- Begin training the LESC on the improved IAQ Processing: Estimated during quarter four of fiscal year 2012.
- Deploy limited field access functionality at selected field offices in a phased roll out: Estimated during quarter one of fiscal year 2013.

ICE completed a lessons learned exercise on the initial modernized ACRIME effort and identified two primary challenges: complex business requirements had not been fully understood by the development team, and the development team had adhered to poor coding practices. ICE developed mitigation strategies to address these challenges, and has implemented an agile systems development methodology. This new development methodology requires direct and constant (daily) interaction between developers and end users, helping to ensure productive understanding and communication related to requirements. Additionally, the agile methodology is based on a test-driven development approach that encourages direct interaction between ICE's technical architecture staff and the development team to ensure that the development team is coding to a clear standard and is following acceptable coding practices. ICE understands the risks involved with employing a new systems development methodology and will rely heavily on the Office of the Chief Information Officer to integrate the work of several small business vendors

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Appendix B

Management Comments to the Draft Report

and assist in implementing the agile approach to the ACRIME development effort. ICE understands that failure to transition to these new strategies and methods are a risk to schedule, budget, and performance.

ICE assessed alternative short-term solutions and has determined that such activity would only add additional inefficiencies to the identification process. For example, providing ICE field personnel with “screen shots” from systems used by LESC technicians or faxing the results of database searches would increase the processing times for status determinations and lengthen queue times for incoming queries from law enforcement agencies.

ICE requests that this recommendation be considered Resolved and Open pending complete deployment and continued operation of the modernized ACRIME system. ICE estimates that the modernized system will be in use nationwide by all ICE field offices in fiscal year 2013.

Recommendation 2: Develop procedures and system controls to ensure officers complete all records for individuals identified through Secure Communities

ICE concurs with this recommendation. There is often a lag between the time that a criminal conviction is rendered and the time that these convictions are recorded in law enforcement systems (e.g., the Federal Bureau of Investigation’s National Crime Information Center). While ICE agents and officers’ conduct prioritized enforcement operations with the knowledge of such criminal convictions, the agency cannot label the case as a “criminal alien” removal until the appropriate judgment and disposition record is located and recorded. To mitigate the impact to ICE’s reporting, the field is provided access to a list of public websites and sources that contain criminal history information from various states and localities. These criminal history sources provide the field with more timely access to conviction documentation, thereby improving its reporting.

Additionally, ICE headquarters continues its data quality initiatives to maintain a “feedback loop” to field offices regarding the completeness and accuracy of data entered into ICE systems. For example, ICE headquarters provides the field, on a bi-monthly basis, with the results of a report that examines non-criminal alien removals and identifies specific cases where criminal history information shows evidence of a conviction. Through this report, ICE headquarters then provides each unique case to the appropriate ICE field office with instructions to examine the case and provide the requisite criminal history information. This data quality initiative ensures that aliens with criminal convictions who are removed by ICE are accurately recorded in ICE systems as criminal alien removals.

As the draft report stated, ICE did not historically record much data regarding case referrals through the use of IDENT/IAFIS interoperability that did not result in an ICE enforcement action. ICE is developing a recurring report that will identify compliance rates in line with the requirement to document encounters and processing dispositions on all alien IDENT matches, even those for which no ICE enforcement action has been

Appendix B

Management Comments to the Draft Report

taken. This monthly report will document the compliance rate for each ICE field office's area of responsibility and provide details for the IDENT matches that did not have a corresponding encounter and processing disposition entered into ICE's enforcement systems. The report findings will be aggregated by individual alien identification number and assessed to determine if the applicable case details require additional review and updates. For those cases that have not been appropriately documented, ICE field offices will be provided guidance and required to enter or update the appropriate information.

ICE requests that this recommendation be considered Resolved and Open pending the development and issuance of the aforementioned report. The estimated completion date of the report development is March 31, 2012.

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Prior to Secure Communities, ICE had three programs focused on identifying and removing criminal aliens:

Operations of United States Immigration and Customs Enforcement's Secure Communities

Appendix C

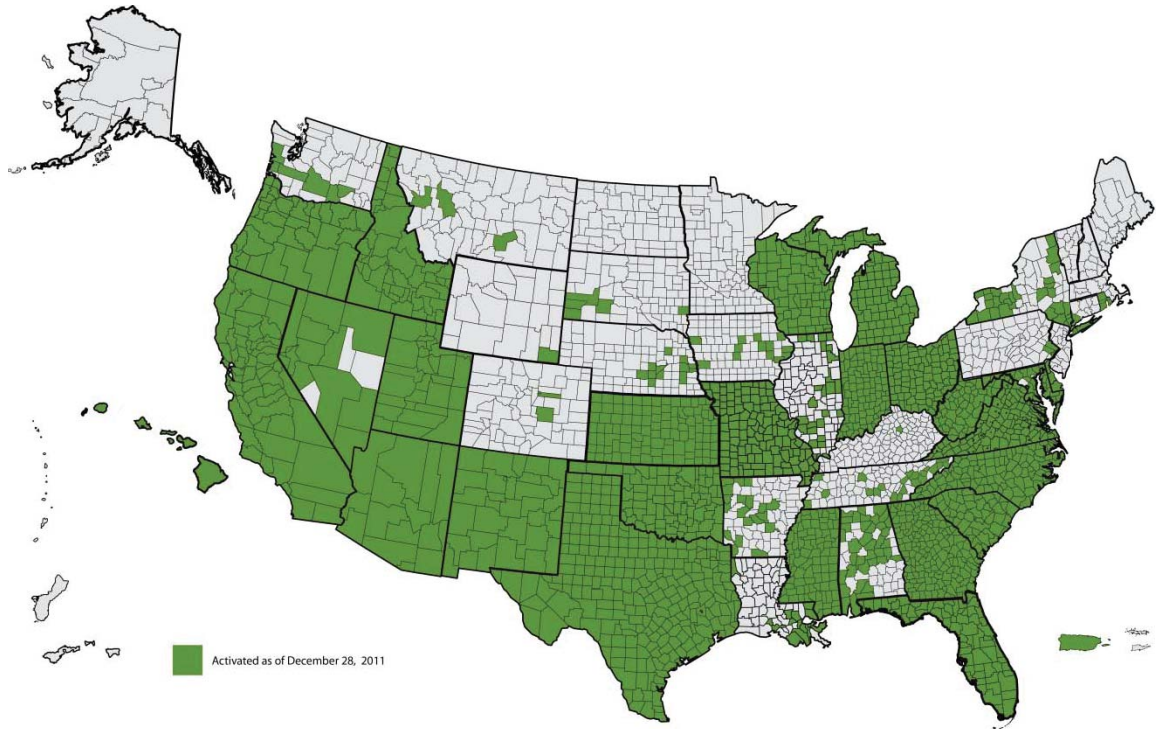
ICE Identification and Removal Programs

- **Criminal Alien Program:** Identifies, processes, and removes criminal aliens incarcerated in federal, State, and local prisons and jails throughout the United States, preventing their release into the general public by securing a final order of removal prior to the termination of their sentences.
- **National Fugitive Operations Program:** Identifies, locates, and arrests fugitive aliens; aliens who have been previously removed from the United States; removable aliens who have been convicted of crimes; and aliens who enter the United States illegally or otherwise defy the integrity of U.S. immigration laws and border control efforts.
- **Delegation of Immigration Authority Section 287(g) *Immigration and Nationality Act* (the 287(g) Program):** The 287(g) Program allows States and local law enforcement agencies to enter into partnerships with ICE through bilateral memorandums of agreement under which they are delegated authority for immigration enforcement in their jurisdictions.

Appendix D

Jurisdictions Where ICE Activated Secure Communities

In October 2008, ICE began activation of Secure Communities in Harris County, Texas. As of December 28, 2011, ICE reported that it had activated Secure Communities in 2,027 jurisdictions in 44 States.



Source: ICE.

Appendix E
Major Contributors to this Report

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Appendix F
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