

Breakdown of the Types of Specific Criminal Convictions Associated with Criminal Aliens Placed in a Non-Custodial Setting in Fiscal Year 2015

The following table below provides a breakdown of the types of specific criminal convictions associated with the 19,723 criminal aliens placed in a non-custodial setting in Fiscal Year 2015, based on a variety of circumstances, including by order of an immigration court, to comply with the Zadvydas Supreme Court decision, or as a result of an ICE determination based on controlling law and policy.

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 U.S. Immigration and Customs Enforcement custody.

Convictions	Number of Convictions
Traffic Offense—Driving Under Influence Liquor	12,307
Traffic Offense	9,811
Dangerous Drugs	7,986
Larceny	3,535
Immigration ¹	3,064
Obstructing Judiciary, Congress, Legislature, Etc.	2,561
General Crimes ²	2,008
Burglary	1,963
Fraudulent Activities	1,880
Assault	1,728
Public Peace	1,659
Obstructing the Police	1,420
Assault—Domestic Violence	1,347
Weapon Offenses	1,317
Invasion of Privacy	1,012
Assault—Aggravated Assault	921
Assault—Battery	912
Forgery	840
Robbery	804
Stolen Vehicle	782
Family Offenses	763
Stolen Property	761
Sex Offenses (Not Involving Assault or Commercialized Sex)	614

¹ Immigration crimes include “illegal entry,” “illegal re-entry,” “false claim to U.S. citizenship,” and “alien smuggling.”

² “General Crimes” is a National Crime Information Center charge category. Within the category of “General Crimes” are the following offense codes: crimes against person (7099), property crimes (7199), morals-decency crimes (7299), and public order crimes (7399).

Convictions	Number of Convictions
Damage Property	552
Traffic Offense—Hit and Run	394
Liquor	363
Health/Safety	361
Traffic Offense—Driving Under Influence Drugs	354
Commercialized Sexual Offenses	352
Sexual Assault	320
Assault—Simple Assault	229
Kidnapping	216
Flight/Escape	214
Threat ³	134
Homicide	101
Assault—Intimidation	98
Conservation	72
Gambling	56
Embezzlement	50
Arson	41
Tax Revenue	40
Extortion	36
Juvenile Offenders	35
Obscenity	32
Smuggling	28
Homicide—Negligent Manslaughter—Weapon	19
Homicide—Negligent Manslaughter—Vehicle	19
Homicide—Willful Kill—Weapon	19
Homicide—Willful Kill—Gun	18
Bribery	13
Voluntary—Manslaughter	12
Homicide—Willful Kill—Non-family—Gun	9
Homicide—Willful Kill—Non-family—Weapon	4
Traffic Offense—Transporting Dangerous Material	4
Homicide—Willful Kill-Family—Weapon	3
Homicide—Attempt to Commit	2
Homicide—John/Jane Doe—No Warrant	1
Homicide—Negligent Manslaughter—Weapon—Attempt to Commit	1
Total	64,197

³ The “threat” category includes any kind of threat, including terroristic threats.

Note: Convicted criminal charges are defined here as all criminal charges with a Criminal Charge Status of “convicted” or an available conviction date are included in the table above as recorded in ICE’s data system.

How many criminal aliens (convicted criminal released -- i.e., not deported -- by ICE) have been released nationally broken down by location of release?

In a number of circumstances, an alien may be released from U.S. Immigration and Customs Enforcement (ICE) custody due to the decision of an immigration judge or as otherwise required by law or precedential decision. In some cases, the Department of Homeland Security (DHS) has authority to set custody determinations pursuant to controlling law. The release of aliens on bond is clearly provided for by statute, and it would not be permissible for DHS to categorically prohibit the release of certain aliens who are not subject to mandatory detention under Immigration and Nationality Act (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 an immigration judge, who may reduce the bond amount imposed, ameliorate conditions of release, or order release without bond.

Breakdown of the Criminal Aliens Placed in a Non-Custodial Setting in Fiscal Year 2013

State of Detention Facility Tied to Latest Release	Count of Aliens
CA	8,597
TX	6,073
AZ	2,084
FL	1,967
VA	1,647
GA	1,643
WA	1,453
CO	1,360
NJ	1,318
NY	1,109
IL	1,003
PA	790
LA	787
MN	686
OH	466
MA	446
MD	404
NE	395

State of Detention Facility Tied to Latest Release	Count of Aliens
IA	239
OK	224
WI	179
KS	173
IN	167
NC	102
NM	99
TN	88
SC	77
CT	56
NH	42
ID	37
SD	35
DE	22
HI	20
AR	19
PR	18
ND	12

State of Detention Facility Tied to Latest Release	Count of Aliens
KY	392
NV	362
AL	310
UT	295
OR	284
MI	265
MO	248

State of Detention Facility Tied to Latest Release	Count of Aliens
GU	7
MT	2
ME	1
AK	1
WV	1
MP	1
VI	1

Total	36,007
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Breakdown of the Criminal Aliens Placed in a Non-Custodial Setting in Fiscal Year 2014

State of Detention Facility Tied to Latest Release	Count of Aliens
CA	6,304
TX	5,146
AZ	1,797
FL	1,721
GA	1,468
NJ	1,340
VA	1,300
NY	1,172
WA	1,079
CO	1,072
IL	933
LA	857
PA	660
MN	480
MA	466
MD	456
KY	448
OH	395
NV	347
NE	326
UT	298

State of Detention Facility Tied to Latest Release	Count of Aliens
NC	168
IA	154
OR	142
KS	130
SC	112
WI	91
NM	90
NH	89
TN	78
ID	49
SD	46
HI	45
CT	42
PR	30
AR	17
ND	13
GU	10
DE	8
VT	5
WY	3

State of Detention Facility Tied to Latest Release	Count of Aliens
MI	280
IN	236
MO	234
OK	216
AL	193

State of Detention Facility Tied to Latest Release	Count of Aliens
ME	3
AK	3
MT	3
WV	2
VI	1

Total	30,558
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Breakdown of the Criminal Aliens Placed in a Non-Custodial Setting in Fiscal Year 2015

State of Detention Facility Tied to Latest Release	Count of Aliens
CA	3,777
TX	3,349
AZ	1,224
FL	1,101
GA	825
NJ	1,014
VA	791
NY	646
WA	665
CO	568
IL	752
LA	673
PA	523
MN	348
MA	346
MD	384
KY	408
OH	229
NV	325
NE	171
UT	173
MI	215
IN	137

State of Detention Facility Tied to Latest Release	Count of Aliens
NC	60
IA	91
OR	58
KS	67
SC	69
WI	54
NM	43
NH	44
TN	27
ID	32
SD	1
HI	34
CT	18
PR	23
AR	10
ND	16
GU	4
DE	9
VT	2
WY	1
ME	1
AK	1

State of Detention Facility Tied to Latest Release	Count of Aliens
MO	171
OK	94
AL	147

State of Detention Facility Tied to Latest Release	Count of Aliens
MT	1
WV	1
VI	0

Total	19,723
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Breakdown of criminal alien removals vs. non-criminal alien removals since 2009

FY 2009- FY2014 ICE Removals by Criminality

	2009	2010	2011	2012	2013	2014	2015
Criminal Alien Removals	136,343	195,772	216,698	225,390	216,810	177,960	139,368
Non-Criminal Removals	253,491	197,090	180,208	184,459	151,834	137,983	96,045
Total	389,834	392,862	396,906	409,849	368,644	315,943	235,413

Interior vs. at the border removals since 2009

FY 2009- FY2014 ICE Removals by Border vs. Interior

	2009	2010	2011	2012	2013	2014	2015
Border	151,893	163,627	173,151	228,879	235,093	213,719	165,935
Interior	237,941	229,235	223,755	180,970	133,551	102,224	69,478
Total	389,834	392,862	396,906	409,849	368,644	315,943	235,413

Breakdown of Release Reasons for Criminal Aliens Placed in a Non-custodial Setting, FY 2013- FY 2015

As described in Question 1 above, ICE exercises its detention and release authorities in accordance with applicable law, and immigration judges may review ICE's custody determinations and order an alien's release. In addition, a number of ICE's release determinations are made pursuant to the requirements of *Zadvydas v. Davis*, 533 U.S. 678 (2001), under which ICE has very limited authority to detain an alien 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. This can also occur when a country refuses to issue a travel

document for the individual, including where the United States has limited or no diplomatic relations with a country.

In a number of circumstances, an alien may be released from ICE custody due to the decision of an immigration judge or as otherwise required by law or precedential decision. In some cases, DHS has authority to set custody determinations pursuant to controlling law. The release of aliens on bond is clearly provided for by statute, and it would not be permissible for DHS to categorically prohibit the release of certain aliens who are not subject to mandatory 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 an immigration judge, who may reduce the bond amount imposed, ameliorate conditions of release, or order release without bond.

Below is the request breakdown:

	<i>Zadvydas</i>	Bond with Custody Redetermination by IJ	Unable to Obtain Travel Document	ICE Discretion	Total
FY 2013	3,652	10,532	54	21,769	36,007
FY 2014	2,457	10,607	134	17,360	30,558
FY 2015	2,166	10,175	89	7,293	19,723