U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SECOND CONGRESSIONAL STATUS REPORT
COVERING THE
FOURTH QUARTER FISCAL YEAR 2008

FOR

SECURE COMMUNITIES:
A COMPREHENSIVE PLAN TO IDENTIFY AND REMOVE CRIMINAL ALIENS

NOVEMBER 7, 2008

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1.0 EXECUTIVE SUMMARY

Congress provided the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) with $200 million in FY 2008 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." Before the funds could be expended, Congress asked for a plan to modernize the policies and technologies used to identify and remove aliens, that:

- Presents a strategy for ICE to identify every criminal alien at the prison, jail, or correctional facility in which they are held;
- Establishes the process ICE, in conjunction with the Department of Justice (DOJ), will use to make every reasonable effort to remove, upon their release from custody, all criminal aliens judged deportable;
- Presents a methodology ICE will use to identify and prioritize for removal criminal aliens convicted of violent crimes; and
- Defines associated activities, milestones, resources, and performance measurements.

On March 24, 2008, ICE submitted Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens (SC/CIRCA) to Congress. SC/CIRCA sets out a comprehensive plan to improve community safety by transforming the way the federal government cooperates with state and local law enforcement agencies to identify, detain, and remove all criminal aliens held in custody. Once implemented, SC/CIRCA will revolutionize immigration enforcement by using technology to share information between law enforcement agencies and by applying risk-based methodologies to focus resources on assisting all local communities in the removal of those criminal aliens representing the greatest threat to community safety.

This second quarterly report to Congress describes progress achieved to date by ICE and its law enforcement partners toward fulfilling the goals outlined in the SC/CIRCA Strategic Plan. Unlike the first Congressional Status Report covering the 3rd Quarter FY 2008 (Q3 CSR) and the SC/CIRCA Strategic Plan, this document assumes reader familiarity with previously described strategic context surrounding program activities.

> **Overall Program** – Identify, detain, and remove all criminal aliens held in custody

For FY 2008, ICE removed at least 108,379 criminal aliens. Due to reporting lags, ICE estimates total removals for the year will exceed 110,000. This removal level represents greater than an 8% increase in removals compared to FY 2007. In FY 2008, ICE issued over 222,000 charging documents to criminal aliens. ICE expects that removals will continue to lag behind other SC/CIRCA performance indicators by several months to a few years because many identified and charged criminal aliens must complete

ICE Criminal Aliens Removed

Removals (in thousands)

Q1 Q2 Q3 Q4 | Q1 Q2 Q3 Q4
2007 | 2008

■ -Actual ▨ -Projected (based on actual as of Sep 30, 2008)
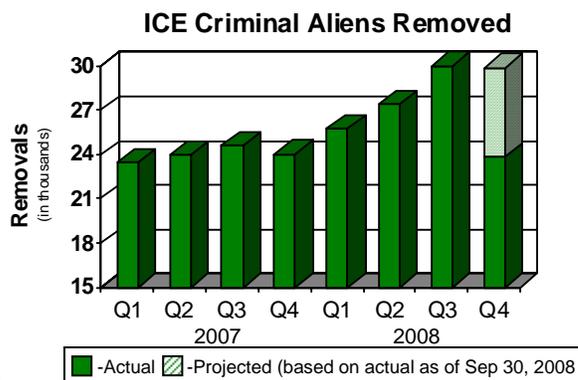
extended prison sentences before ICE removes them from the country. There are instances where ICE has screened removable aliens incarcerated at correctional institutions only to find that the institution has released the alien prior to ICE issuing a detainer to hold the alien for removal proceedings.

Strategic Goal 1 – Identify and process all criminal aliens amenable for removal while in federal, state, and local custody

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The current ICE model for identifying criminal aliens established under the Criminal Alien Program (CAP) continues to demonstrate strong results, with ICE CAP teams identifying and issuing charging documents on over 222,000 criminal aliens in FY 2008. This represents a greater than 35% increase in CAP criminal alien charging documents issued as compared to FY 2007. In FY 2006, ICE issued 67,850 criminal alien charging documents. As the results show, ICE's CAP model continues to offer a sound method to identify individual criminal aliens within large, concentrated criminal alien population centers.
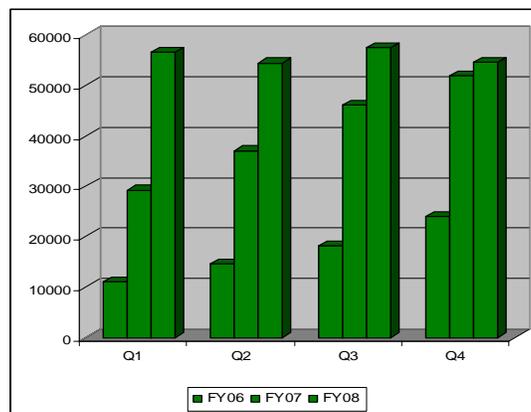
Under the SC/CIRCA plan for identifying all removable criminal aliens, ICE continues to augment CAP operations with additional identification methods more suitable to nationwide identification of all criminal aliens, especially with respect to expanding identification capabilities to regions of our nation having smaller, dispersed criminal alien populations. ICE also continues to improve threat assessments during the identification process in order to better prioritize enforcement actions based upon each identified alien's criminal record severity and proximity to release back into the community. Toward achievement of SC/CIRCA Strategic Goal 1 – Identify and process all criminal aliens amenable for removal while in federal, state, and local custody – ICE has accomplished the following in FY 2008:

- Deployed 28 operational CAP teams, expanding screening of all criminal aliens to all federal, all state, and 13% of local prisons and jails. ICE has provided all local jails with ICE points of contact and 24x7 call-in numbers to make additional inquiries regarding foreign born detainees.
- Steps taken toward Interoperability rollout:
    - Identified and proposed 47 jurisdictions to participate in Phase 1 of the Interoperability rollout;
    - Set locations for hiring high, potential new positions to work on Interoperability Response; and
    - Successfully piloted Interoperability in seven jurisdictions, including both National Fingerprint File (NFF) and non-NFF states, to test Interoperability capabilities and technical functions.
- Conducted preparatory outreach with state and local Law Enforcement Agencies (LEAs) participating in Phase 1 of the Interoperability rollout.

- o Drafted a standard Memorandum of Agreement (MOA) and Standard Operating Procedures (SOP) for establishing clear guidelines and responsibilities with states and LEAs regarding the identification and remove of criminal aliens; and
- o Obtained Office of Management and Budget (OMB) Office of Regulatory and Information Affairs (OIRA) approval to distribute an information gathering survey to State Identification Bureaus (SIBs) and LEAs for assessment of Interoperability rollout priority and potential operational concerns.
- ▪ Awarded five contracts to improve the operational efficiency of processes that identify, prioritize and initiate enforcement action against removable criminal aliens.

> **Strategic Goal 2** – Enhance current detention strategies to ensure no removable criminal alien is released into the community due to a lack of detention space or an appropriate alternative to detention

Once the prison release date arrives for identified and charged criminal aliens, ICE must accept custody of, detain and remove the alien. As prison sentences end over the next months and years for criminal aliens that ICE has already charged, the demand for additional ICE detention and removal capacity will rise. To meet this demand, the SC/CIRCA Plan addresses expansion of detention and removal capacity under Strategic Goal 2 – Enhance current detention strategies to ensure no criminal alien is released into the community due to a lack of detention space or an appropriate alternative to detention.

During FY 2009, SC/CIRCA will fund the addition of 1,246 beds for use by ICE. To manage greater numbers of criminal alien apprehensions expected as a result of FY 2009 Interoperability rollouts, ICE will place FY 2009 SC/CIRCA funded beds near Phase 1 Interoperability rollout jurisdictions. Further, if ICE must accommodate unexpectedly large FY 2009 SC/CIRCA-related bed space requirements, ICE will meet these extra bed capacity requirements using a portion of the $150 million that Congress appropriated for SC/CIRCA for FY 2009.

To define SC/CIRCA bed space needs beyond FY 2009 more precisely, ICE has gathered statistics on detained/incarcerated foreign-born population through a survey of jails and prisons that have been identified for participation in Phase I of our Interoperability rollout. ICE will also collect statistics as Interoperability rollout begins. In March of 2009, ICE plans to review these statistics to refine its estimate of the total annual criminal alien population and will provide improved population threat, removability, geographic location and other types of demographics to better define capacity expansion.

> **Strategic Goal 3 –** Implement removal initiatives that shorten the time criminal aliens remain in ICE custody prior to removal, thereby maximizing the use of detention resources and reducing cost

Capacity expansion represents one of the greatest cost factors within the SC/CIRCA plan. Therefore, investments in detention and transportation efficiency improvements will be critical to controlling the total cost of the plan. ICE has reduced the average length of stay for criminal alien from 48.2 days in FY 2007 to 45.6 days in FY 2008. This translates to a 5% reduction in the number of beds required to detain an equal number of criminal aliens. Therefore, better

utilization of existing detention and removal capacity will allow ICE to require a lesser degree of capacity expansion to meet SC/CIRCA needs.

The SC/CIRCA Plan addresses improvements in detention and removal efficiency under Strategic Goal 3 – Implement removal initiatives that shorten the time criminal aliens remain in ICE custody, thereby maximizing the use of detention space and reducing cost. ICE continued to make efficiency improvements in FY 2008 through the following methods:

- Expanded the use of Institutional Removal Programs (IRP) to a total of 14 federal facilities, and approximately 50 state and local jails and prisons. This allows ICE to process criminal aliens for removal prior to the completion of their sentence;
- Implemented a Case Management Unit (CMU) to standardize and streamline all detained case management processes with the goal of reducing average ICE detention times;
- Deployed a system nationwide to over 9,600 end-users that replaces a 24 year old legacy mainframe detention and removal management system. The new system has reduced average booking times from 30 minutes to 4 minutes, and has reduced data entry rates from 20% to 2%;
- Initiated a procurement to automate bed space management, automate transportation management, and track criminal aliens from time of acceptance into ICE custody through removal from the United States in late 2008 and is pending award in the first quarter of FY 2009;
- Expanded internal use of the electronic management of travel document requests to include all countries other than Canada and Mexico (which do not require travel documents), reducing average document processing times from 21 days to 7 days;
- Developed plans for adding 1,246 additional beds and bed-related positions in support of SC/CIRCA during FY 2009;
- Developed transportation resource expansion plans that will double FY 2007 air transport capacity by the end of FY 2009 so that ICE can remove up to 300,000 criminal or non-criminal aliens; and
- Established Rapid REPAT partnerships with Puerto Rico (July) and Rhode Island (September) in the 4th Quarter of FY 2008.

Strategic Goal 4 – Maximize cost effectiveness and long term success through deterrence and reduced recidivism of criminal aliens returning to the United States

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ICE aims to maintain improvements to the security of our nation's communities through high threat criminal alien removals by employing strong measures to prevent reentry of removed criminal aliens and to enforce severe consequences upon those removed criminal aliens who successfully reenter the county. ICE has two projects in progress to deter removed criminal alien reentry in support of SC/CIRCA Strategic Goal 4 – Maximize cost effectiveness

DRO Prosecution Cases Accepted

-Actual -Projected (based on actual as of Aug 31, 2008
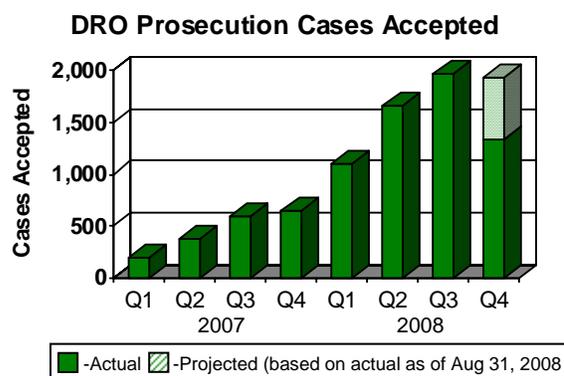
and long term success through deterrence and reduced recidivism of criminal aliens returning to the United States. These projects are: the recording of nationwide National Crime Information Center (NCIC) lookouts/warrants against removed criminal aliens and Operation Repeat Offender.

ICE deters reentry of removed criminal aliens by recording nationwide lookout/warrant information with NCIC against removed criminal aliens. This data will lead to denial of visa applications by the Department of State (DOS) and will lead to prevention of reentry at border crossings by Customs and Border Protection (CBP). Further, should a removed criminal alien successfully reenter the country, ICE's NCIC lookout/warrant information will act as a major force multiplier to arrest these recidivist violators by generating notifications to ICE if the alien encounters any law enforcement official who performs an NCIC check. ICE is on pace to apprehend approximately 8,400 criminal aliens in FY 2008 as a result of LEA notifications stemming from NCIC lookout/warrant information. These apprehensions include both recidivist criminal aliens as well as fugitive aliens not previously removed from the United States.

Once ICE apprehends recidivist criminal aliens, Operation Repeat Offender ensures prosecution of the alien under federal felony immigration law violations, resulting in criminal incarceration against recidivists to act as a deterrent against reentry by other removed criminal aliens. Since its inception, Repeat Offender has increased the number of recidivist prosecutions accepted by U.S. Attorneys. In FY 2008, ICE increased the number of accepted prosecutions to 6,793 cases. This prosecution level represents greater than a 275% increase in accepted prosecutions compared to FY 2007. Beginning in FY 2009, ICE will change the way it measures prosecutions. ICE will no longer use the number of accepted cases as the metric. For FY 2009, ICE will track prosecutions based on the total number of indictments (or pleas on information without an indictment), and convictions.

Secure Communities Performance Summary

In the SC/CIRCA Strategic Plan, ICE outlined several performance measures to indicate progress against Secure Communities strategic goals. ICE currently cannot provide results for two of these measures because they require reporting upon criminal alien threat levels (Level 1, Level 2, or Level 3) and ICE does not yet have systems in place to record a threat level once it is determined. ICE will report "Not Available" results for these two measures until systems become available for reliably recording criminal alien threat levels. For all measures where annual results are available, ICE has shown significant improvements toward the achievement of SC/CIRCA goals. The table below summarizes current performance results. ICE defines a criminal alien as an alien convicted or charged with of a criminal offense.

Secure Communities Progress toward Program Goals

Measure	FY 07	FY 08 (estimated)	Percent Improvement
Overall			
Number of criminal aliens removed	101,175	>110,000	>8%
Number of level-one criminal aliens removed	Not available	Not available	n/a
Strategic Goal 1 – Identification			
Number/percentage of counties sending booking data to ICE through Interoperability	0 (3 in pilot)	0 (7 in pilot)	0%
Number of removable criminal aliens charged	164,296	221,085	34%
Number of level-one removable criminal aliens charged	Not available	Not available	n/a
Average charging documents issued per CAP/IRA agent	287	327	>13%
Strategic Goal 2 – Detention Capacity			
Average criminal alien ICE detention occupancy rate	43%	43%	n/a
Strategic Goal 3 – Removal Efficiency			
Average length of stay for criminal aliens in ICE custody	48.2 days	45.6 days	5%
Strategic Goal 4 – Deterrence			
Number of criminal prosecutions accepted	1,808	>6,500	>250%

2.0 IDENTIFYING CRIMINAL ALIENS

The following sections detail FY 2008 accomplishments under SC/CIRCA for expanding identification of criminal aliens. Specifically, these sections report progress in the expansion of CAP coverage, ongoing efforts to prepare ICE for full Interoperability operations (Interoperability Rollout), building partnerships with the greater law enforcement community (Outreach), and improving the efficiency of criminal alien identification processes and operations (Improved Efficiency for Identifying Criminal Aliens).

2.1 EXPANSION OF CAP COVERAGE

As described in the Q3 CSR, CAP is the current ICE model for identifying, charging and removing criminal aliens from the United States. In this model, ICE assigns teams comprised of up to [b2 high, b7e] CAP individuals to work at the local level in direct coordination with ICE offices and LEAs [   ] remove criminal aliens from the nation's prisons and jails. Often, CAP team personnel work on-site at prisons and jails in tandem with LEA personnel. This model has proven very successful in building effective working relationships between ICE and LEA partners at prisons and jails with large, concentrated criminal alien populations.

In FY 2008, Congress authorized ICE to hire an additional [b2 high, b7e] CAP teams. ICE has deployed [b2 high, b7e] of the [b2 high, b7e] authorized CAP teams during FY 2008, for a total of [b2 high, b7e] operational CAP teams. Deplo   g the new teams has allowed ICE to expand full scree   from 7 percent to 13 percent of local prisons and jails. ICE has established plans to deploy the seven FY 2009 SC/CIRCA [b2 high, b7e] [b2 high, b7e] in close alignment with Interoperability rollout strategy described in the next section.

While supporting Interoperability rollout, CAP will continue to expand ICE criminal alien screening of current inmate populations held at prisons and jails across the nation. ICE will continue screening jails and prisons as part of the overall SC/CIRCA plan in order to identify criminal aliens incarcerated prior to the implementation of Interoperability and to act as a second layer of identification for criminal aliens with no biometric identifier recorded in IDENT, who may not be detected through Interoperability.

2.2 INTEROPERABILITY ROLLOUT

As described in the Q3 CSR, ICE will leverage Interoperability between the Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division (CJIS) Integrated Automated Fingerprint Identification System (IAFIS) and DHS' United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Automated Biometric Identification System (IDENT) systems under the SC/CIRCA plan to perform full nationwide criminal alien identifications through existing criminal justice information systems. By taking advantage of existing nationwide criminal identification capabilities, Interoperability provides cost effective coverage of smaller, dispersed criminal alien populations to complement ICE's existing CAP model for identifying criminal aliens. Interoperability provides an additional advantage for ICE to identify criminal

aliens nationwide by utilizing biometric evidence to make the identification process faster and more accurately.

Through use of biometric information, Interoperability will reduce the manual workload that ICE technicians must perform to positively identify subjects prior to conducting an immigration status determination. ICE technicians will no longer be required to sift through extensive lists of encountered individuals with common names or multiple aliases to determine which immigration records match with the subject under review. This will allow ICE to issue detainers more quickly to apprehend identified criminal aliens before they are released from custody of the arresting Law Enforcement Agency (LEA).

Toward development of a full SC/CIRCA Concept of Operations describing operational readiness for Interoperability rollout, ICE has created four Interoperability request and response workflows shown in Attachment 2. ICE will provide the full SC/CIRCA Concept of Operations, including more details surrounding these operational scenarios, to Congress once ICE finalizes the document.

Update on Interoperability pilot

The Interoperability pilot, also known as interim Data Service Model (iDSM), was launched in September 2006. iDSM allows for two-way sharing of biometric and biographic information related to all persons with IAFIS wants and warrants and a small portion of persons recorded in IDENT through DHS encounters. iDSM initially shared only IDENT information related to persons removed through the expedited removal process or denied issuance of a visa by DOS due to a determination that the applicant was a substantial risk to enter the country (Category One visa refusals). The Interoperability project team added a further data set of IDENT information related to Known or Suspected Terrorists (KST) to iDSM in August 2007.

The following jurisdictions are currently participating in Interoperability pilots related to identification of criminal aliens: Boston, MA; Dallas County, TX; Harris County, TX; Wake County, NC; Henderson County, NC; Buncombe County, NC; and Gaston County, NC. As of September 13, criminal encounters in pilot jurisdictions generated over 325,000 Interoperability submissions. Of these submissions, Interoperability iDSM information sharing capabilities generated 575 biometric matches for further immigration investigation by ICE. These investigations resulted in the removal of 403 identified criminal aliens. ICE has another 172 cases pending, which may result in additional removals depending on case outcomes. For example, the pending cases included lawful permanent resident aliens who are in criminal proceedings and therefore not amenable to removal prior to conviction. The proportion of criminal submissions resulting in biometric matches for further immigration investigation will increase dramatically once these jurisdictions move from limited Interoperability pilot information sharing capabilities to full production capabilities.

Pilot Encounter Statistics as of September 13, 2008 (Estimates)

Pilot Jurisdiction	Participating Since	Biometric Matches	Removals	Pending
Boston, MA	9/3/2006	34	24	10
Dallas County, TX	11/1/2006	162	125	37
Harris County, TX	2/1/2007	371	248	123
Wake County, NC	8/4/2008	8	6	2
Henderson County, NC	8/18/2008	0	0	0
Buncombe County, NC	9/11/2008	0	0	0
Gaston County, NC	9/24/2008	0	0	0
Totals		575	403	172

The recent additions of four pilot jurisdictions in North Carolina are critical to preparing for full Interoperability rollout. The North Carolina pilots test how Interoperability functions when used by National Fingerprint File (NFF) states. Currently, there are 11 NFF states in addition to North Carolina. These states are: Florida, New Jersey, Oregon, Colorado, Georgia, Idaho, Kansas, Montana, Oklahoma, Wyoming, and Tennessee. NFF states differ from other states in that they only submit biometric information to IAFIS for state first time offenders. For subsequent arrests, the state maintains arrest fingerprint images and related information within its own biometric repositories while forwarding only a notice of additional encounter to CJIS. To accommodate immigration enforcement responses generated through Interoperability under the NFF criminal notification model, both CJIS and North Carolina had to make technical adjustments to deliver responses related to recidivist offenders. The North Carolina pilots have successfully resolved numerous technical challenges and identified special accommodations required for Interoperability rollouts to all of the nation's NFF states. ICE and CJIS will work with NFF SIBs to determine possible changes needed to their state criminal systems to handle Interoperability-generated immigration enforcement responses.

The lessons learned from the Interoperability pilot sites, as referenced in the previous quarterly report, refer to the differences in booking process as well as in the approach ICE must take when shifting from its current CAP model to the Interoperability model for identifying criminal aliens in local custody. For instance, in the CAP model, ICE directly interacts with a target facility and coordinates with facility staff to identify criminal aliens already serving time within the facility. This relationship is typically established and maintained through a central point of contact to arrange for the analysis of booking data, subject interviews, lodging of charging documents, and ultimately custody transfer.

Concerning additional Interoperability pilot lessons learned, no new major challenges have been encountered beyond those already reported in the Q3 CSR. The most critical challenges for ICE operations identified to date remain moving from a jail-centric enforcement model to a jurisdiction-centric enforcement model and adjusting to the wide variety of criminal booking processes used across the nation. First, ICE has found that most jurisdictions generate IAFIS submissions during arrest processing, which usually occurs at sheriff or police offices before the subject moves to county jail facilities. This finding impacts the complexity of ICE's rollout strategy by an order of magnitude since there are approximately 3,200 local jails and prisons

across the nation versus approximately 31,000 booking locations across the nation. ICE must ensure that rollout strategies effectively communicate Interoperability criminal processing changes to personnel manning all 31,000 booking locations. Second, ICE has found that a wide variety of criminal booking processes used across the nation have different impacts on how quickly ICE must initiate enforcement action before the subject is released from LEA custody and how ICE must interact with LEAs once it is ready to initiate enforcement action. For example, most jurisdictions make IAFIS submissions near the early or middle portions of the booking process. However, some jurisdictions wait until the end of the booking process to make IAFIS submissions. When interacting with these jurisdictions, ICE will have very little time to initiate enforcement action against identified criminal aliens before the subject leaves LEA custody and becomes much more difficult to apprehend. Further, jurisdictions employ different models to hold subjects during the booking process. Jurisdictions may keep subjects at booking facilities, transfer subjects to court holding facilities for bond hearings or transfer subjects to county jails. This complicates locating the subject by ICE for initiation of enforcement action. To further identify the impact that these challenges will have on ICE operations during Interoperability rollout, ICE has developed and obtained OMB approval to distribute a survey (included as an appendix in the Q3 CSR) to nationwide jurisdictions. This survey asks questions that will help ICE identify jurisdictions that may require added outreach and preparation prior to Interoperability rollout.

Interoperability Rollout

Based upon preparations and pilot readiness tests conducted over the last several months, CJIS, US-VISIT, and ICE plan to move Interoperability to full production at the first pilot site in October 2008. Full production capabilities will transition Interoperability to two-way sharing of information between IAFIS and the full set of IDENT data related to all persons encountered by DHS (whereas the pilot iDSM only matches IAFIS information to a small subset of IDENT information). Upon a successful production launch, SC/CIRCA will continue deploying Interoperability to selected LEAs in November 2008 and beyond. ICE currently plans to complete Phase 1 of the Interoperability rollout by February 2009, but may adjust the schedule based upon initial site rollout successes and difficulties. Once moved to full production participation, the LEAs will begin receiving an automated response from Interoperability that includes basic immigration identity information, such as name and any aliases, date of birth, place of birth, sex, and a photograph (if available). This response, coupled with an immigration status determination sent to the LEA by ICE, will provide state and local law enforcement with a biometrics-based summary of the subject's identity and immigration status. ICE will continue to determine the level of immigration enforcement action, if any, that accompanies Interoperability responses. ICE will set enforcement priorities based on assessment of threat to the community posed by identified criminal aliens.

As explained in the Q3 CSR, Secure Communities used five main criteria to establish the first 47 jurisdictions to participate in the Interoperability rollout:

1. Are sufficient ICE resources in place to handle the added workload?
2. Does the LEA have sufficient technical and operational infrastructure available to support Interoperability?
3. Does the LEA have a high CAP Risk Assessment ranking?

4. Has the LEA expressed interest in forming an enforcement partnership with ICE (e.g. ICE ACCESS participation/inquiry)?
5. Does the LEA already submit a large volume of requests to the LESC?

These selection criteria target the initial rollout to jurisdictions that predominantly or exclusively submit fingerprints through the use of live scan devices and where ICE has existing relationships. The reasons for these criteria are threefold. First, jurisdictions submitting fingerprints through live scan devices, which are capable of submitting notifications to IAFIS in a matter of minutes, provide ICE with more time to formulate a response before the subject is released from LEA custody. While subjects remain in LEA custody, ICE requires far fewer resources to initiate enforcement actions. Therefore, ICE will focus limited resources early during Interoperability rollout on criminal aliens identified via live scan devices. Second, ICE has existing relationships with LEAs that tend to have the highest threat criminal alien populations. Therefore, ICE will continue to target enforcement actions to areas where existing resources can make the greatest impact on enhancing community safety. Third, ICE will be able to leverage existing communication channels with selected LEAs. During initial rollouts when ICE will be fully implementing many new operational processes for the first time, sound communications will be critical. Based on the level of activity assessed from Phase 1 rollouts, ICE will proceed to roll out in later phases to jurisdictions where technical limitations prevent rapid responses and where ICE has limited existing working relationships.

Through assessments of Phase 1 jurisdictions using the established selection criteria, ICE has adjusted the list of jurisdictions selected for initial rollout to no longer include Puerto Rico. Readiness assessments revealed that Puerto Rico currently submits only a small proportion of fingerprints to IAFIS using live scan devices. As a result, ICE would not receive Interoperability hits on Puerto Rico submission until after many encountered individuals were released from LEA custody, greatly complicating initiation of enforcement actions. ICE therefore elected to defer Interoperability rollout to Puerto Rico jurisdictions until a later phase. This will provide time for Puerto Rico to complete deployment of purchased live scan devices to selected booking stations and will allow ICE to mature Interoperability response processes in preparation for handling more complex enforcement actions initiated against criminal aliens identified after release from LEA custody.

The following table shows the updated list of 47 proposed Phase 1 Interoperability rollout jurisdictions. The seven Interoperability pilot jurisdictions (marked with an asterisk (*)) will roll out first during October and November 2008:

Phase 1 Interoperability Rollout Jurisdictions

State	County	Booking Locations	ICE Field Office
Arizona	Maricopa	84	Phoenix, AZ
	Pinal	21	
	Yavapai	11	
	Yuma	14	
California	Los Angeles	148	Los Angeles, CA
	Ventura	22	
	San Diego	54	San Diego, CA
Florida	Charlotte	5	Miami, FL
	Clay	7	
	Collier	9	
	Duval	22	
	Hillsboro	28	
	Miami Dade	60	
	Marion	17	
	St. Johns	10	
	St. Lucie	11	
Massachusetts	Suffolk*	44	Boston, MA
North Carolina	Buncombe*	17	Atlanta, GA
	Cabarrus	5	
	Catawba	11	
	Cumberland	9	
	Duplin	11	
	Durham	6	
	Gaston*	16	
	Harnett	6	
	Henderson*	4	
	Orange	7	
	Robeson	13	
	Wake*	45	
Pennsylvania	Bucks	67	Philadelphia, PA
	Delaware	55	
Texas	Collin	28	Dallas, TX
	Dallas*	63	
	Denton	40	
	Grayson	21	
	Hunt	20	
	Johnson	16	
	Kaufman	19	
	Lubbock	22	
	Harris*	73	Houston, TX
	Kinney	4	San Antonio, TX
	Maverick	8	
	Real	3	
	Uvalde	7	
	Val Verde	5	
	Zavala	3	
Virginia	Fairfax	14	Washington, DC
Total		1,185	

ICE Operational Readiness for Interoperability Rollout

As stated in the Q3 CSR, ICE expects full deployment of Interoperability to generate a several fold increase in the number of status determination requests that ICE must respond to each year. To prepare for expected increases in status determination request volumes, ICE continues to aggressively pursue additional hires at the LESC. As of August 14, 2008, the LESC has [b2 high, b7e] technicians on board, [b2 high, b7e] of which entered duty in FY 2008. ICE has selected an additional [b2 high, b7e] technicians for hire. These individuals are in various stages of security clearance and will enter duty as clearance   judications become complete. ICE continues to recruit additional technician candidates to fill [b2 high, b7e] newly established SC/CIRCA-funded positions in FY 2009. ICE is in the process of increasing the position pay grade to increase retention of hired technicians, to attract new technicians more rapidly, and to compensate for expanded responsibilities that the technicians will undertake in support of Interoperability rollout (technicians will be empowered as immigration officers to directly issue detainers on identified criminal aliens).

To prepare for expected increases in required enforcement actions against high threat criminal aliens identified via Interoperability, ICE is recruiting candidates to fill [b2 high, b7e] newly established SC/CIRCA-funded Interoperability Response Agent (IRA) positions in FY 2009. ICE will dedicate IRAs to establishing 24x7 Interoperability response operations. Their duties will include issuing detainers on identified criminal aliens, maintaining communications with LEAs, and taking additional enforcement actions against criminal aliens as needed. ICE will place IRAs in field offices covering geographic areas targeted for initial Interoperability rollout as shown in the following table:

Planned Deployment of IRAs

ICE Field Office	Supporting Interoperability	Number of IRAs
b2 high, b7e		b2 high, b7e

2.3 OUTREACH

SC/CIRCA continues to work closely with CJIS and US-VISIT to coordinate consistent, comprehensive, and integrated outreach efforts. SC/CIRCA has focused outreach efforts over the last quarter in support of Phase 1 of Interoperability rollout. The 47 proposed jurisdictions for Phase 1 rollout span eight states and include 1,185 booking locations. To reach each key stakeholder prior to rollout, SC/CIRCA has employed a two-pronged outreach strategy. The first prong calls for initial high level meeting(s) for each participating state that includes SC/CIRCA,

affected ICE Field Office Directors (FODs), CJIS, US-VISIT, the SIB, and participating counties. The second prong calls for follow-up meetings with each individual county and representatives from interested booking locations. The state-level meetings involve a discussion of short-term and long-term SC/CIRCA goals as well as an overview of what benefits and operational changes the Interoperability rollout will generate. The county-level meetings ensure two-way communications with front-line implementers so that SC/CIRCA can address specific, working-level concerns and make planning or operational adjustments as needed.

To begin execution of the selected outreach strategy, ICE held an internal FOD workshop in early August 2008. From this meeting, SC/CIRCA received immediate feedback from the FODs for use in improving Interoperability rollout and outreach planning. Further, the workshop prepared the FODs to initiate meetings with the eight states participating in Phase 1 of the Interoperability rollout. As previously mentioned in this report, an early outreach meeting with Puerto Rico identified that its two target counties had only recently installed live scan IAFIS terminals and were not yet regularly using the terminals for making IAFIS submissions. As a result, ICE deferred Interoperability rollout to the two Puerto Rico jurisdictions until a later phase. By the end of August, SC/CIRCA and ICE's key Interoperability partners conducted successful initial rollout outreach meetings with each of the eight states originally selected for Phase 1 of Interoperability rollout along with Puerto Rico. Through these meetings and its Interoperability rollout selection criteria, ICE selected Duplin County, NC and Hillsboro County, FL to replace the two deferred Puerto Rico counties. Representatives from both counties have been participating in SC/CIRCA informational meetings held to date and are thus familiar with the program and Phase 1 rollout plans. During August and September, ICE also continued to meet regularly with the seven pilot jurisdictions that will be the first to participate in Interoperability rollout and has met with several other counties proposed for Phase 1 of Interoperability rollout. This coming quarter SC/CIRCA will use information gathered through state-level meetings, county-level meetings, and readiness assessment surveys to finalize a schedule for the 45 non-pilot jurisdictions selected for initial Interoperability rollout.

State and Local Surveys

To improve planning estimates, test working assumptions, and better target outreach plans - ICE has drafted a survey for nationwide distribution to SIBs, jails, and prisons. OMB approved distribution of the surveys on September 5, 2008 under Paperwork Reduction Act control number 1653-0040. The survey collects information at both the state level and local level to assist ICE in understanding LEA working relationships and roles within the state. For state agencies the survey seeks information on two groups of questions. First, it probes the extent to which collection of fingerprints within the state is automated and centralized. Second, it asks a series of process-related questions that will help ICE understand issues such as:

- What percentage of Interoperability requests generated by the state will be for criminals who have likely been released from custody before ICE receives the request?
- What response wait times are booking officers used to before possibly releasing a subject from custody?
- How will ICE determine threat level and location of subjects?

For local agencies the survey seeks information on three groups of questions. First, it seeks information to improve estimates of the number and threat level of criminals encountered per year. Second, it seeks local LEA confirmation of process-related questions asked at the state level. Third, it determines the extent to which the LEA is already involved with the enforcement of immigration law. This will help ICE refine risk assessments used as a criteria for setting Interoperability schedules, and will help ICE estimate the level of effort to develop sound working relationships with LEAs for the identification of criminal aliens.

ICE distributed surveys to the 8 SIBs and 47 counties selected for Phase 1 of the Interoperability rollout. As of September 24, 2008, SC/CIRCA received 5 state survey and 35 local survey responses. ICE has notified candidate counties that they must complete and return surveys quickly to participate in Phase 1 of the rollout. If needed, ICE will replace any counties not meeting survey response deadlines with other counties under consideration for Phase 2 of the rollout. ICE does not anticipate changing Phase 1 rollout jurisdictions while awaiting completed surveys from the three states that have not yet responded due to long standing working relationships with those states' SIBs.

SC/CIRCA is analyzing survey responses as they arrive to identify any indicators among the Phase 1 rollout jurisdictions. Such indicators might include excessively large projected Interoperability submission volumes that would overwhelm current response capabilities and/or not allow sufficient time for execution of immigration enforcement actions prior to subject release from custody. Certain conditions, if severe enough, could result in modifications to the Phase 1 Interoperability rollout list of jurisdictions. No survey responses received to this point have identified issues of enough significance to warrant an adjustment to planned Phase 1 participants. SC/CIRCA will also compile survey response data, particularly as related to estimating criminal alien encounter volumes, which will be useful in helping the field offices gain an understanding of deployment related operational impacts.

In anticipation of distributing surveys to larger numbers of states and counties, SC/CIRCA has awarded a contract for the development of a web-based survey tool to collect survey responses online. Using this collection method, ICE will be able to gather and analyze data from jurisdictions participating in the Phase 2 rollout and beyond with far greater ease.

Standard State/ICE Memorandum of Agreement (MOA)

ICE has drafted a standard MOA to clarify ICE commitments under SC/CIRCA with each participating state. The draft MOA framework proposes obtaining state-level signature on a high-level MOA with ICE on behalf of the entire state. This high-level MOA will outline the key elements of SC/CIRCA and will call for each individual county to acknowledge a separate Standard Operating Procedures (SOP) document. The SOP will provide the counties with more detail about operational processes, will reiterate operational commitments from ICE, and will specify responsibilities between ICE and the state/county LEAs. The proposed framework will allow for confirmation and maintenance of strong statewide working relationships through the MOA while allowing continued operational flexibility through SOP amendments that officially communicate best-practices as they become identified and implemented. ICE continues to discuss and edit the draft MOA and SOP through early outreach efforts with SIBs and counties. Each of the eight states proposed for Phase 1 of Interoperability rollout reacted favorably to the

proposed framework. Once ICE finalizes these documents, SC/CIRCA will provide the committee with copies.

2.4 IMPROVED EFFICIENCY FOR IDENTIFYING CRIMINAL ALIENS

As reported in the Q3 CSR, processes that ICE uses today for identifying criminal aliens lack the resources and efficiencies need to scale well in the face of rapidly growing workload demands. Today's identification process begins with ICE's receipt of incoming immigration status requests at the LESC. Once received, the Alien Criminal Response Information Management System (ACRIMe) receives each request and balances the load of incoming requests across technician work queues, which are manually reviewed and prioritized by managers. The technician takes ownership of requests out of his queue one at a time and manually searches nine or more DHS and FBI databases to positively identify and determine the immigration status of the provided subject. Upon identification of a criminal alien, the technician requests system-issuance of a status determination response to the named LEA and local ICE office. The Q3 CSR further describes how process inefficiencies and outdated systems strain ICE's capacity to make criminal alien identifications in a timely manner.

ICE plans to expand its immediate criminal alien identification capacity by hiring more staff. At the same time, the Q3 CSR described quick-win as well as long-term process and technology improvements that ICE plans to implement. Planned improvements include:

- **ACRIMe Stabilization** - Enables ICE to handle added request volumes and better accommodate biometric information contained in Interoperability-generated requests.
- **LESC Continuity of Operations Plan (COOP)** - Plans for and provides people and technology redundancy to ensure criminal alien identification capabilities are available on a 24x7 operational basis.
- **Research and Analysis Automation** - Automates common research functions and analyses for more expedient determination of subject immigration status and threat level by assigned technicians.
- **ACRIMe Modernization** - Automates key workflow management processes to ensure timely processing of immigration status queries according to threat-level and to handle response-oriented communications across organizational structures of rapidly growing size.

ACRIMe Stabilization

ICE must stabilize and expand the capacity of ACRIMe for receiving, logging, and assigning both traditional LEA-generated immigration status requests providing only biographic identification of the subject and Interoperability-generated requests providing both biographic and biometric identification of the subject. The contract for ACRIMe Stabilization has been awarded and work is underway. Key milestones of the ACRIMe Stabilization effort include:

Quarter 1, FY 2009

- Migrating to more stable production hardware. This will enhance system backup capabilities, improve scalability and availability, and will ensure compliance with ICE IT architecture standards.
- Resolving high priority defects. Defect resolutions will include eliminating application freezes and unavailability occurrences. The size of ACRIMe message queues will also be increased, which will allow all immigration alien queries (IAQs) to be prioritized and worked in a timely manner, including roadside and other high priority IAQs.
- Stabilizing the LESC electronic fax server, which is used to issue detainers to LEAs concerning identified criminal aliens.

Quarter 2, FY 2009

- Developing comprehensive system documentation.

Quarter 4, FY 2009

- Migrating ACRIMe from a FoxPro database to an Oracle database. This will further enhance system backup capabilities, improve scalability and availability, and ensure compliance with ICE IT architecture standards.

Once these improvements are completed, ICE will continue executing existing identification processes at increased volumes through added numbers of LESC technicians and Interoperability Response Agents.

LESC Continuity of Operations

ICE is aggressively developing short, mid and long term plans that will provide COOP and disaster recovery for critical ICE enforcement activities currently conducted at the LESC site. These plans address business continuity in the event of a catastrophic event and the ability to effectively handle the anticipated volume of immigration status determination requests on a 24x7x365 basis. ICE is focusing current efforts on eliminating single points of failure within IT systems critical to LESC operations. Central to this planning effort is Phase 1 of ACRIMe system stabilization, which will provide for daily backups of this critical LESC system in synchronization with the daily maintenance schedule of NCIC (the FBI's criminal history repository). ICE plans to complete this effort by December 2008. ICE is focusing additional efforts over the next year on moving LESC IT systems into enterprise quality operating environments. Central to this planning effort is Phase 2 of ACRIMe system stabilization, which will port existing ACRIMe data into enterprise-class software and systems supporting full backup and disaster recovery capabilities without the need for daily downtime. To attain full COOP capabilities, ICE will formulate several alternative long-term strategies accounting for both operational and information technology COOP needs. ICE will then evaluate each alternative based on capabilities gained, costs to implement and schedule to implement. ICE plans to complete this assessment by December 2008.

Research and Analysis Automation

While stabilization work proceeds, ICE has initiated efforts to plan, document, and design new systems that automate large portions of the identification process. At this time, and for the foreseeable future, ICE does not believe it is possible to automate the entire immigration status determination processes due to the need for qualified agents to verify analyses and correct law enforcement response for accuracy based upon findings. However, ICE does believe it can automate many steps leading up to agent-approved reviews and responses. In the Q3 CSR, ICE reported three planned research and analysis automation efforts, which are:

- **Automated Threat Assessment** – ICE has awarded a contract to gather requirements and document efforts to develop a system that will help ICE determine subject threat. ICE will assess subject threat based upon national security threat level, the severity of known criminal history and proximity of expected release back into the community. The system will determine threat by using data provided directly in the immigration status request, national security threat lists, and NCIC-provided criminal history information. If early threat assessment efforts identify recurring data availability and data quality issues, ICE may also expand information sources to include state criminal history archives, prison release date sources and statistical inferences (such as probable custody release dates based on severity of pending charges, criminal history and holding jurisdiction). If ICE makes the decision to obtain information from additional sources, it will do so in incremental phases based on priority of the source for improving assessment quality. Using this risk-based methodology, ICE will act upon status requests according to those subjects that pose the greatest threat to public safety (Level 1, 2 and 3).

- **Automated Support of Status Determinations** – To expand LESC capacity for handling expected increases in the number of immigration status requests through means other than hiring additional staff, ICE plans to automate significant portions of the immigration status determination process. As a first step towards this effort, ICE has awarded a contract to upgrade the COTS hardware used by a consolidated investigative tool called Immigration and Customs Enforcement Pattern Analysis Information Collection (ICEPIC). This hardware upgrade will improve system performance so that ICE can deploy ICEPIC to all LESC technicians by 2nd Quarter FY 2009. As a second step towards this effort, early in FY 2009, ICE will award an additional contract to expand the number of data sources from which ICEPIC consolidates investigative and enforcement information in support of performing immigration status determinations. This contract award will also provide for specialization of the ICEPIC user interface to more rapidly perform status determination research using Interoperability provided biometric identifiers. These first two phases of software enhancements will eliminate the need for technicians to traverse multiple data sources when researching subject alien status. In following phases, ICE will explore use of analytic support tools to recommend status determination assessments to technicians based on available information. The system would present the recommended assessments in a way that is quickly and easily traceable back to its underlying decision factors so that a technician can assure correct outcomes.

- **Video Teleconferencing Research Support** – When identifying and determining immigration status of a subject, it is often necessary for ICE to augment information held

in immigration and other status determination support systems with new information or to ensure that certain systems records match the subject under review rather than another individual. One of the best means of conducting this supporting research is to interview the subject, the LEA arresting officer and other LEA personnel familiar with the subject. However, in-person interviews can be tedious, time consuming, and expensive both in terms of travel costs and personnel time. Therefore, ICE is currently in the process of adding video teleconferencing (VTC) capabilities to jails and prisons with sufficient numbers of interviews to make this a more cost effective solution. Through VTC, ICE personnel can conduct subject interviews directly from their offices, boosting workforce productivity and increasing the number of determinations ICE can complete each day. Currently, ICE has installed VTC at 126 CAP locations, with 39 more installations currently in process. A contract awarded in July 2008 using SC/CIRCA funding has supported 56 of these installations.

- **LESC ACRIMe Modernization** – Research and analysis automation will ease workloads related to individual status determination request responses. However, these improvements and ongoing efforts to stabilize existing systems will not be enough to manage rapidly expanding workflow complexities as ICE forms relationships with hundreds of LEAs covering approximately 31,000 booking locations to identify and take custody of criminal aliens. Therefore, ICE has also initiated the ACRIMe Modernization project that is focused on planning, documenting, and designing major system improvements that support sustained workflow quality and efficiency gains. ICE awarded a contract to initiate work on ACRIMe Modernization in August 2008 and work began in September 2008. Initial efforts included a working session with internal ICE stakeholders to set and prioritize specific Modernization capabilities. The Q3 CSR provides an overview of planned Modernization workflow automation capabilities including Automated Queue Management, Automate Contact Management and Automated Communications Routing.

3.0 DETAINING AND REMOVING CRIMINAL ALIENS

In the Q3 CSR, ICE detailed progress in five different SC/CIRCA initiatives for improving the efficiency of criminal alien detention and removal processes and operations. Specifically, ICE reported progress in:

- **Expansion of Institutional Removal Programs (IRPs)** – ICE reported full IRP capabilities at 14 federal Bureau of Prisons (BOP) facilities and approximately 50 state and local prisons. IRPs allow ICE to process criminal aliens for removal while serving criminal sentences outside ICE custody. This in turn allows ICE to minimize ICE detention times between when criminal aliens complete their criminal incarcerations and when they are removed to their country of origin, thus reducing ICE bed space requirements and saving taxpayer dollars. ICE did not initiate any new IRPs during this reporting period while it continues to add and maintain VTC installations used to conduct alien interviews and hearings related to IRP removal proceedings.

- **Aggressive Case Management** – ICE reported the creation of the CMU to standardize and streamline case management processes for detained aliens across the organization. Through standardized reporting requirements, increased executive visibility, propagation of best practices and internal quality controls - the CMU continues to be a key contributing factor credited for reduced average detention times, thus reducing ICE bed space requirements and saving taxpayer dollars.

- **Legacy Detention Systems Replacement** – ICE reported that for the last 24 years, the Immigration and Naturalization Service (INS) and subsequently ICE relied on the same mainframe system, the Deportable Alien Control System (DACS), to manage detention and removal of criminal aliens. The system contained numerous technological and usability limitations impeding the daily operational productivity of ICE personnel. To alleviate these limitations, in August 2008, ICE completed the development and deployment of a modern replacement system, the ENFORCE Alien Removal Module (EARM). EARM, in conjunction with the ENFORCE Alien Detention Module (EADM) deployed in 2007, replaces legacy DACS as ICE's official detention and removal system of record. The August deployment launched EARM to over 9,600 end-users world-wide. As of the EARM deployment, field users can no longer access DACS. It remains available in a read-only mode for ICE Headquarters personnel to assist with any system transition data related issues.

- **Criminal Alien Tracking while in ICE Custody** – ICE reported plans to automate bed space management, transportation management and ability to track the exact whereabouts of all criminal aliens from the time they enter ICE custody until the time they are removed from the United States. ICE must automate these functions to effectively manage its rapidly growing detention and removal resources as well as to better ensure officer safety while increasing numbers of high threat criminal aliens are housed in ICE detention facilities. To provide these new automation capabilities, ICE initiated an integrated procurement to develop the DRO Modernization (DROM) Bed Space, Transportation, and Detainee Location Tracking Automation System (BST&T) modules.

The resulting modules will be fully integrated with EADM and EARM to provide comprehensive, enterprise-wide, timely detention and removal information. However, due to the complexity of this procurement effort, ICE was unable to make award in FY 2008 as originally planned and now expects to make an award in 1st Quarter FY 2009. Once the contract is awarded, the selected vendor will create final work plans and schedules for the development of DROM BST&T modules.

- **Expanded Electronic Support for Travel Documents** – ICE reported efficiency improvements made by deploying fully electronic travel documents to Guatemala, Honduras and El Salvador and electronically managing the issuance of travel documents from all other countries for which they are required. The electronic Travel Documents (eTD) system now helps ICE monitor and administer over 7,000 travel documents received monthly to expedite removals and reduce average detention times. To obtain the full benefit of eTD, ICE continues to pursue Memorandums of Understanding (MOUs) with several countries to have them begin issuing fully electronic travel documents in the near future. ICE has signed an MOU with the Dominican Republic, who should have fully electronic travel documents deployed by December 2008. ICE continues to negotiate with four additional countries (Colombia, Nicaragua, Jamaica, and Ecuador) to begin using fully electronic travel documents. A draft MOU with Colombia is currently being reviewed and vetted by the ICE Office of the Legal Principal Advisor while ICE has made presentations and/or system demonstrations to officials from Nicaragua, Jamaica, and Ecuador. Following any additional MOU signings, ICE will move forward with additional training and systems installations.

In addition to making progress against the efficiency improvement initiatives above, ICE has continued working toward additional efficiency improvements outlined in the SC/CIRCA Strategic Plan. The following sections update the status of planning for future bed space needs, planning for future transportation needs, expanding use of Expedited Removals, and gaining non-violent criminal alien removal cooperation through Rapid Removal of Eligible Parolees Accepted for Transfer (Rapid REPAT) partnerships with states.

3.1 PLANNING FOR FUTURE BED SPACE NEEDS

During FY 2009, SC/CIRCA will fund the addition of 1,246 beds for use by ICE. To manage the near-term effects of FY 2009 Interoperability rollouts and increased SC/CIRCA criminal alien enforcement activities on bed space requirements, ICE will place FY 2009 SC/CIRCA funded beds near Phase 1 Interoperability rollout jurisdictions. ICE currently plans to concentrate additional beds in support of five Phase 1 Interoperability states: California, Florida, Massachusetts, North Carolina, and Texas since other Phase 1 Interoperability rollout states: Arizona, Pennsylvania, and Virginia have comparatively sufficient bed capacity available today. The table on the next page shows planned locations for new beds in FY 2009. These plans are still under review and may be adjusted prior to full implementation. ICE will locate bed-related positions in proportion with planned bed placements. Further, if ICE must accommodate unexpectedly large FY 2009 SC/CIRCA-related bed space requirements, ICE will meet these extra bed capacity requirements using a portion of the $150 million that Congress appropriated for SC/CIRCA for FY 2009.

Planned Deployment of Beds

Location	Supporting Interoperability Rollouts in	Number of Beds
Barnstable, MA	Massachusetts	81
Cabarrus County, NC	North Carolina	20
Cumberland County, NC	North Carolina	24
Henderson County, NC	North Carolina	41
Jean, NV	California	492
Krome, FL	Florida	43
Montgomery County, TX	Texas	484
New Hanover County, NC	North Carolina	20
Wake County, NC	North Carolina	41
Total		1,246

To define SC/CIRCA bed space needs beyond FY 2009 more precisely, ICE is gathering statistics through its survey of jails and prisons and will gather additional statistics as Interoperability rollout begins. These statistics will allow ICE to refine its estimate of the total annual criminal alien population and will provide improved population threat, removability, geographic location and other types of demographics to better target capacity expansion based on these important decision-making factors.

3.2 PLANNING FOR FUTURE TRANSPORTATION NEEDS

As SC/CIRCA identifies increased numbers of criminal aliens for pickup and removal, ICE will expand both commercial and government managed alien transportation capacity. For FY 2008, ICE's Flight Operations Unit (FOU) is on pace to exceed 145,000 removals, which includes over 60,000 criminal alien removals. This figure represents an 18% increase from the 50,702 criminal aliens removed via FOU in FY 2007. By the end of FY 2009, ICE will double the number of FY 2007 government managed aircraft from four to eight, consisting of four Justice Prisoner and Alien Transportation System (JPATS) aircraft and four ICE chartered aircraft. The extra aircraft will increase flight transportation capacity to approximately 300,000 alien transports per year. ICE will also add personnel to support flight operations. Each flight will be able to accommodate criminal and non-criminal aliens alike, covering potential changes in the ratio of criminal to non-criminal removals caused by SC/CIRCA. By increasing flight capacity according to this plan, FOU will support SC/CIRCA's FY 2009 removal needs while also providing greater flexibility in domestic alien movements, allowing for increased operational efficiencies.

3.3 GAINING REMOVAL COOPERATION THROUGH RAPID REPAT

Over the last few months, ICE has contacted every state regarding the potential benefits of implementing a Rapid REPAT program. Through these efforts, ICE has already signed MOUs with Puerto Rico in July and Rhode Island in September. ICE continues to engage in discussions with several other interested states, and will announce new participants once they and ICE ratify partnerships through signed MOUs.

Rapid REPAT is an ICE Agreement of Cooperation in Communities to Enhance Safety and Security (ICE ACCESS) program that promotes more effective identification and removal of criminal aliens from the United States while still preserving the integrity of the criminal justice system. It is modeled after two successful ongoing programs in place with the states of New York and Arizona. Under Rapid REPAT, certain non-violent criminal aliens may receive early conditional release from state incarceration if they cooperate in the processing and execution of their removal and agree not to return to the United States. Criminal aliens removed through Rapid REPAT who re-enter the United States may face serving the remainder of their original criminal sentence, depending on state statutes, and may face felony prosecution under federal immigration law through ICE's Operation Repeat Offender, described further in the next section. Through its structure of incentives and punishments, Rapid REPAT prevents criminal elements from returning to our nation's communities while greatly simplifying the removal process for ICE, reducing states' Department of Corrections costs and serving the demands of justice.

4.0 DETERRING RECIDIVISM

ICE aims to maintain improvements to the security of our nation's communities through high threat criminal alien removals by employing strong measures to prevent reentry of removed criminal aliens and to enforce severe consequences upon those removed criminal aliens who reenter the county. ICE has two projects in progress to deter removed criminal alien reentry in support of SC/CIRCA Strategic Goal 4 – Maximize cost effectiveness and long term success through deterrence and reduced recidivism of criminal aliens returning to the United States. These projects are: the recording of nationwide NCIC wants against removed criminal aliens and Operation Repeat Offender.
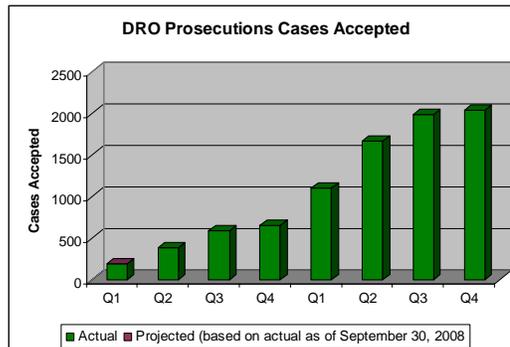
ICE deters reentry of removed criminal aliens by recording nationwide lookout/warrant information with NCIC against removed criminal aliens. This data will lead to denial of visa applications by the Department of State (DOS) and will lead to prevention of reentry at border crossings by Customs and Border Protection (CBP). Further, should a removed criminal alien successfully reenter the country, ICE's NCIC lookout/warrant information will act as a major force multiplier to arrest these recidivist violators by generating notifications to ICE if the alien encounters any nationwide law enforcement official who performs an NCIC check. ICE is on pace to apprehend approximately 8,400 criminal aliens in FY 2008 as a result of LEA notifications stemming from NCIC lookout/warrant information. These apprehensions include both recidivist criminal aliens as well as fugitive aliens not previously removed from the United States.

Once ICE apprehends recidivist criminal aliens, Operation Repeat Offender ensures prosecution of the alien under federal felony immigration law violations, invoking severe consequences against recidivists that will act as a strong deterrent force against reentry by other removed criminal aliens. Since its inception, Operation Repeat Offender has led to dramatic increases in the number of recidivist prosecutions accepted by U.S. Attorneys. In FY 2008, ICE increased the number of accepted prosecutions to 6,793 cases. This prosecution level represents greater than a 275% increase in accepted prosecutions compared to FY 2007. Beginning in FY 2009, ICE will change the way it measures prosecutions. ICE will no longer use the number of accepted cases as the metric. For FY 2009, ICE will track prosecutions based on the total number of indictments (or pleas on information without an indictment), and convictions.

Recent Repeat Offender successes include:

- A felony conviction and 60 month sentence against a recidivist criminal alien with multiple felony convictions and arrests for offenses including carjacking, assault with a deadly weapon, and robbery.
- A pending prosecution against a recidivist criminal alien previously convicted of attempted murder that was removed from the United States three times between 1998 and

2007. This is the second set of felony immigration charges brought against the alien, with the prior 2002 charges resulting in conviction and a 57 month sentence.

▪ A pending prosecution against a recidivist criminal alien and member of the South Side street gang in Compton, California who was previously convicted of assault with a deadly weapon, possession of a firearm by a felon, evading a peace officer, and hit and run/injury/death.

Through SC/CIRCA, Repeat Offender will hire b2 high, b7e additional personnel to evaluate identified recidivist criminal aliens for referral to U.S. Att eys for prosecution. These personnel will be located according the table below:

Planned Deployment of Repeat Offender Agents

ICE Field Office	Number of Agents
b2 high, b7e	b2 high, b7e

5.0 PROJECT MANAGEMENT

During 4th Quarter FY 2008, ICE continued significant progress toward the development of an organization to properly manage program funds, fully develop comprehensive program plans, and drive execution of those plans to achieve stated program goals and objectives. In the coming months, ICE will continue to build the organizational infrastructure required to effectively manage a program of this size, scope, complexity and importance to our nation.

5.1 PROGRAM MANAGEMENT OFFICE

In the Q3 CSR, ICE reported the establishment of a Secure Communities Program Management Office (PMO), reporting directly to the Deputy Assistant Secretary – Operations. ICE assigned senior personnel from key areas across the organization to establish the SC/CIRCA PMO. This quarter, ICE moved toward a permanent, dedicated PMO by hiring a full time Program Executive Director and awarding a contract for PMO support. David Venturella started duty as the new full time ICE Secure Communities Executive Director on September 8, 2008. Mr. Venturella served with ICE from 1986 to 2004, rising to the position of Director of ICE Office of Detention and Removal Operations (DRO). As a result, he brings the operational familiarity, historical understanding, and credibility needed to realize the transformational vision outlined within the SC/CIRCA Strategic Plan. On July 9, 2008, ICE awarded a contract for Secure Communities PMO Support. As of this report date, the selected contractor is fully staffed. The Program Management Office, led by Mr. Venturella, will continue to expand in the coming months as the program begins large-scale expansion of implementation efforts.

During this reporting period, the PMO, while managing the activities and accomplishments described in this report, also began an analysis of business processes and planning supporting the Secure Communities Program mission. During the next reporting period, the PMO will continue to support near term implementation efforts while maturing plans for work required to implement the full scope of Secure Communities during FY 2009 and beyond.

5.2 UTILIZING APPROPRIATED RESOURCES

As stated in the SC/CIRCA Strategic Plan, ICE will be reviewing and updating the initial cost estimates quarterly. ICE identified several updates to cost estimates in the Q3 CSR in response to certain issues identified through stakeholder outreach discussions as well as through refinement of FY 2008 program acquisition plans prior to their execution. ICE has no additional revisions to updated 3rd Quarter cost estimates during this reporting period.

As of September 30th, 2008, ICE obligated a total of $19,513,018 in SC/CIRCA funds. Of these funds, ICE used $10,553,097 for Information Technology, $1,556,764 for DRO, $1,664,782 for LESC and $5,738,438 for PMO operations. ICE will obligate the remainder of the $200,000,000 FY 2008 SC/CIRCA appropriation in FY 2009.

FY 08/09 Funding Requirements and Obligations ($000's)

Item	FY08 Obligations	FY09 Plan	Requirement
Information Technology			
Develop systems to prioritize Interoperability results	$10,202	$25,098	$35,300
Develop DROM detention and removal modules	$0	$20,000	$20,000
IT Oversight – Systems Testing/IV&V/Project Management	$0	$5,000	$5,000
Video Teleconferencing	$351	$7,849	$8,200
entification and Processing			
CAP Teams	$0	$10,220	$10,220
Interoperability Response Agents	$0	$11,500	$11,500
Violent Criminal Alien Section (VCAS) Agents	$0	$2,400	$2,400
Law Enforcement Support Center (LESC)	$1,665	$16,745	$18,410
Operation Last Call	$0	$782	$782
Detention and Removal			
1,246 Beds	$1,557	$42,558	$44,115
Bed Related Positions	$0	$16,638	$16,638
Removal Costs	$0	$12,633	$12,633
Management Support			
Program Management Office	$5,738	$4,962	$10,700
Facilities and Mission Support	$0	$4,102	$4,102
Total	$19,513	$180,487	$200,000

b2 high, b7E

ATTACHMENTS

ATTACHMENT 1 – KEY ACTIVITIES AND MILESTONES

SC/CIRCA has revised the wording, planned start and planned end dates of several milestones as the program continues to evolve beyond the notional plans outlined in the SC/CIRCA Strategic Plan. For example, the SC/CIRCA Strategic Plan referred to a milestone to "Roll out Interoperability for phase one jails/prisons" with start and end dates in Aug 2008 and Sep 2009. Within the revised milestones below, this item now states "Roll out Interoperability to Phase 1 jurisdictions" with start and end dates in Aug 2008 and Feb 2009. The wording change reflects the transition from planning a jail-centric rollout of Interoperability to a jurisdiction-centric rollout of Interoperability to accommodate the fact that most states make Interoperability submissions from booking stations that may be located in police departments, sheriff offices or other locations besides jails and prisons. The end date change reflects updates in current planning. While this particular case reflects acceleration of expected completion dates, some changes reflect later expected completion dates as ICE gains better understandings regarding dependencies between activities. The milestones for completing transportation and bed space needs requirements are an example of this situation. ICE originally expected to complete these activities by Sep 2008 and Dec 2008 respectively. ICE now expects to complete the activities in Mar 2009 because, prior to Interoperability rollout, ICE has been unable to adequately test certain key assumptions (such as numbers of submissions that Interoperability will generate, percentage of submissions that will lead to identified removable criminal aliens and ratios of high-threat to mid and lower-threat criminal aliens) that are critical to completing any firm long-term assessment of SC/CIRCA bed space and transportation needs. SC/CIRCA expects to continue updating milestones in future quarters as long-term planning activities continue in parallel with short-term implementation efforts.

Milestone	Planned Start	Planned End	Status
Identification and Processing			
Roll out Interoperability nationwide to identify all criminal aliens encountered by law enforcement	Apr 2008	Sep 2011	First production site rollout scheduled for October 2008. ICE proposed 47 Phase 1 rollout jurisdictions.
Determine site selection criteria for Interoperability rollout	Apr 2008	Jun 2008	Complete
Working with CJIS, determine lessons learned from Interoperability pilots	Apr 2008	Jun 2008	Complete
Develop/implement a public outreach plan/survey that solicits the capability and interest from all prisons and jails	Apr 2008	Sep 2008	Survey development complete and approved by OMB for distribution. ICE distributed survey to Phase 1 rollout jurisdictions.
Determine how to handle Interoperability hits manually before full automation for participating locations	Apr 2008	Jul 2008	Complete
Refine the crimes within each category and level based on data gathered from county and local law enforcement systems	May 2008	Dec 2008	Research in progress
Determine priority jurisdictions for Phase 1 of Interoperability rollout	Jun 2008	Jul 2008	Complete
Roll out Interoperability to Phase 1 jurisdictions	Aug 2008	Feb 2009	First production site rollout scheduled for October 2008.
Determine approach to screen existing inmate populations at state prisons	Oct 2008	Feb 2009	Strategy is in process of being developed

Milestone	Planned Start	Planned End	Status
Determine priority jurisdictions for Phase 2 of Interoperability rollout	Jun 2008	Feb 2009	Prepared list of jurisdictions to consider for Phase 2 rollout.
Roll out Interoperability to Phase 2 jurisdictions	Mar 2009	Sep 2009	Not yet started
Roll out Interoperability for remaining jails/prisons	Oct 2009	Sep 2011	Not yet started
Determine strategy to ensure 24x7 operational coverage nationwide	Sep 2008	Jan 2009	Hiring 88 IRAs for 24x7 coverage in Phase 1 rollout locations
Establish 24x7 command centers	Oct 2009	Sep 2010	Not yet started
Develop and implement a system to automate routing of Interoperability requests and responses	Aug 2008	Sep 2010	Awarded contract and held kick off meeting to initiate work
Develop Interoperability request and response system requirements	Aug 2008	Jan 2009	Completed high-level requirements. Developing detailed business requirements.
Complete Interoperability request and response system stabilization efforts	Feb 2009	Sep 2009	On-track for completion
Complete Interoperability request and response system modernization efforts	Feb 2009	Sep 2010	On-track for completion
Install VTC capacity at participating jails/prisons to conduct interviews and hearing for criminal aliens	Jul 2008	Sep 2011	Phase 1 contracts awarded. 6 of 56 Phase 1 installations complete.
Determine interest from state and local institutions in adding VTC	Apr 2008	Dec 2008	56 Phase 1 sites selected. 140 Phase 2 sites selected.
Work with BOP to determine need for additional VTC sites	May 2008	Dec 2008	Outreach ongoing
Install VTC for Phase 1 priority locations	Jul 2008	Dec 2008	Contracts awarded. 6 of 56 installations complete.
Install VTC for Phase 2 locations	Oct 2008	Dec 2009	140 Phase 2 sites selected. Acquisition planning underway.
Install additional VTC at federal, state and local locations	Oct 2009	Dec 2011	Not yet started
Detention and Removal			
Develop plan to expand the use of ER for criminal aliens in jails/prisons	May 2008	Sep 2008	ICE has evaluated the expanded use of ER and elected to maintain current policy
Develop a case management reporting process to reduce the average length of stay for criminal aliens in ICE custody	May 2008	Sep 2008	Complete
Develop a plan to expand the use of Alternatives to Detention	May 2008	Sep 2008	Complete
Complete a needs assessment and acquisition plan for criminal alien transportation requirements	May 2008	Mar 2009	FY 2009 FOU plan set. Long-term planning ongoing.
Complete a needs assessment for criminal alien bed space	May 2008	Mar 2009	FY 2009 bed locations under review. Long-term planning ongoing.
Develop DROM detention and removal modules in support of the Plan	May 2008	Sep 2011	Deployed legacy mainframe replacement modules. Issued procurement for new modules to be awarded in Q1 FY 2009.
Develop interface to integrate identification and booking data for known criminal aliens into DROM	Jan 2009	Sep 2010	Not yet started
Identify impediments to increased numbers of foreign criminal alien removals and develop strategies to overcome	May 2008	Sep 2008	Complete

Milestone	Planned Start	Planned End	Status
Deploy electronic travel documents to all major removal destinations	Oct 2008	Sep 2011	Initiative ongoing
Determine expansion plan for Operation Last Call	May 2008	Sep 2008	Complete
Deploy limited Operation Last Call teams to the field	Oct 2008	Sep 2009	Not yet started
Contact state officials about interest in Rapid REPAT	Apr 2008	Sep 2008	Complete
Implement priority Rapid REPAT programs in participating states	Jul 2008	Sep 2009	Initiated program in Puerto Rico and Rhode Island
Deploy limited Operation Repeat Offender personnel to the field	Jan 2009	Sep 2009	Set hiring locations to initiate recruiting process
Deploy additional Operation Repeat Offender personnel to the field	Oct 2009	Sep 2011	Not yet started
Management Support			
Establish Project Management Office	Apr 2008	Jun 2008	Complete
Develop training modules focused on CAP processing	Jul 2008	Dec 2008	Drafted and under review
Develop joint EOIR/ICE approach to implement the plan	Apr 2008	Dec 2008	Outreach ongoing
Provide quarterly updates to Congress	Jul 2008	Sep 2009	Q4 FY 2008 report submitted

ATTACHMENT 2 – INTEROPERABILITY WORKFLOW SCENARIOS

IDENT Match Scenario
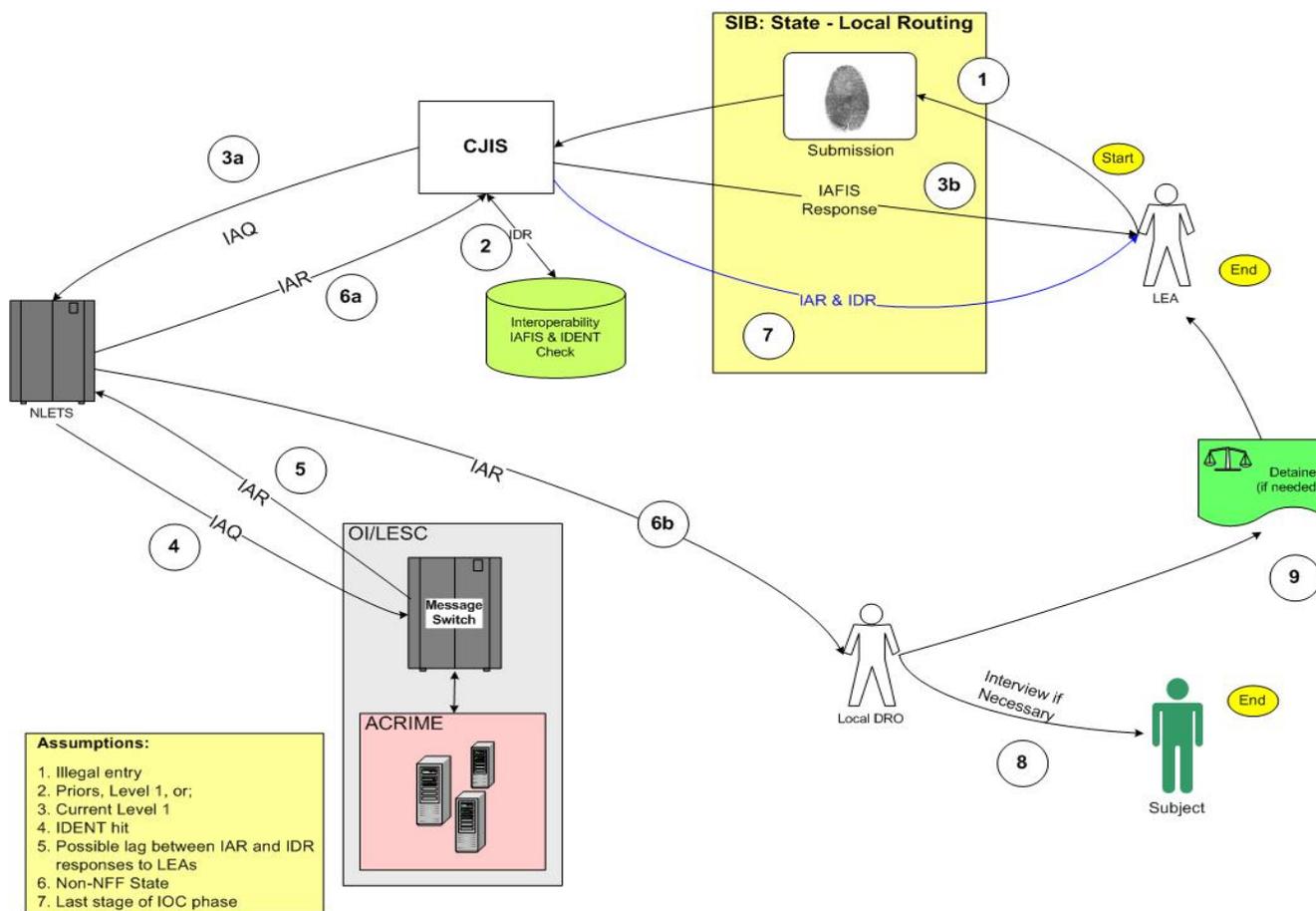
The following processes will be used by LEAs, LESC, and DRO field offices when Interoperability delivers an IDENT **match**:

1. LEA submits fingerprints to FBI CJIS (IAFIS)
2. Findings from Interoperability (IAFIS and IDENT) gathered
3. CJIS sends IAQ via NLETS to the LESC (3a) and returns an IAFIS response to the LEA (3b)
4. IAQ is routed via NLETS to the LESC
5. LESC completes identification and determination checks to create an IAR
6. Via NLETS, LESC routes the IAR to CJIS (6a) and local DRO (6b)
7. CJIS sends IDR and IAR via CJIS WAN to the State Identification Bureau (SIB); SIB forwards to LEA
8. DRO field office contacts LEA and interviews subject (if necessary)
9. DRO field office lodges a detainer with the LEA (when appropriate)

IDENT Match - Local Routing Unresolved Scenario
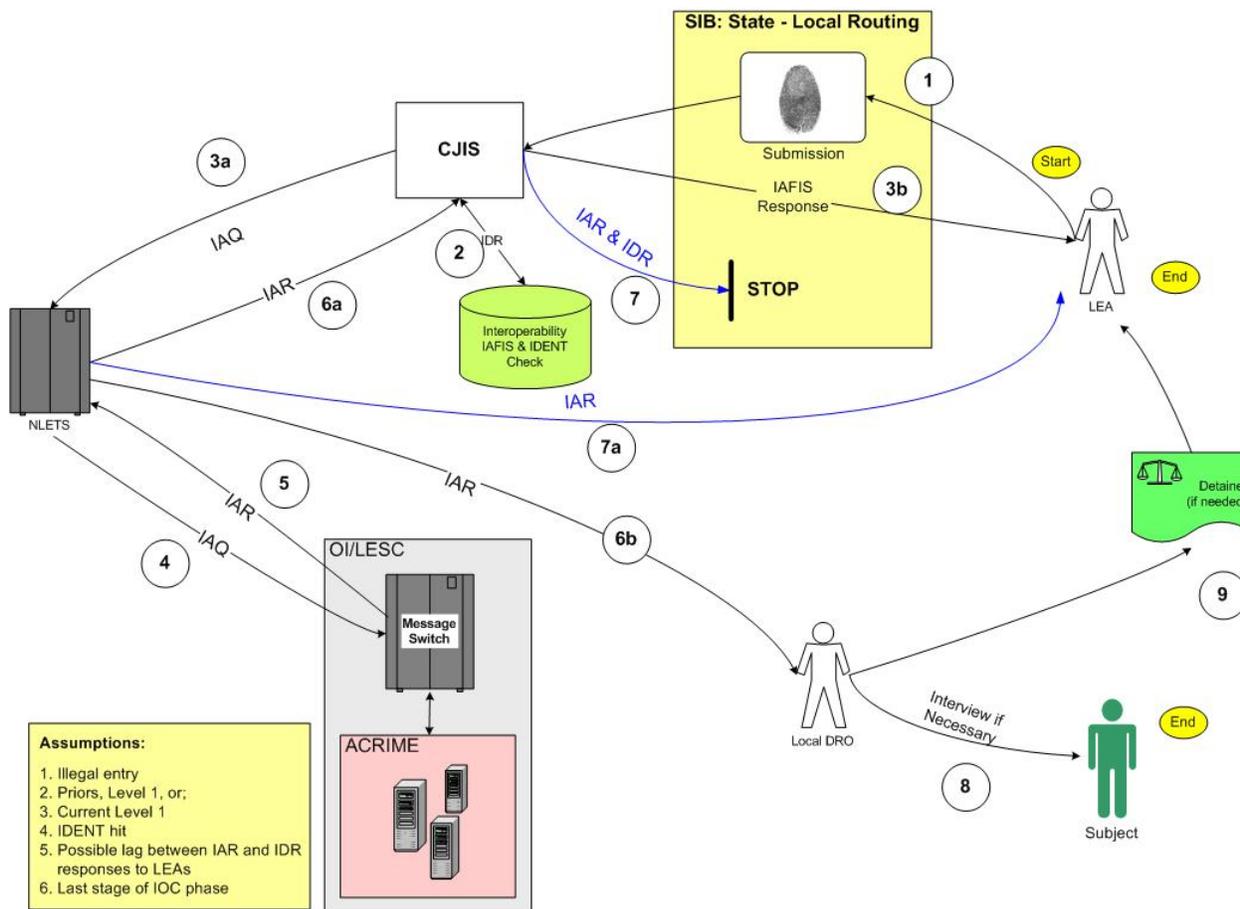
The following processes will be used by LEAs, LESC, and DRO field offices when Interoperability delivers an IDENT **match where State to Local routing is unresolved**:

1. LEA submits fingerprints to FBI CJIS (IAFIS)
2. Findings from Interoperability (IAFIS and IDENT) gathered
3. CJIS sends IAQ via NLETS to the LESC (3a) and returns an IAFIS response to the LEA (3b)
4. IAQ is routed via NLETS to the LESC
5. LESC completes identification and determination checks to create an IAR
6. Via NLETS, LESC routes the IAR to CJIS (6a) and local DRO (6b)
7. CJIS sends IDR and IAR via CJIS WAN to the State Identification Bureau (SIB); SIB forwards to LEA
   - IAR to be routed from LESC via NLETS to LEA (7a) **until State to Local Routing is resolved**
8. DRO field office contacts LEA and interviews subject (if necessary)
9. DRO field office lodges a detainer with the LEA (when appropriate)

IDENT No Match – Foreign Place of Birth Scenario
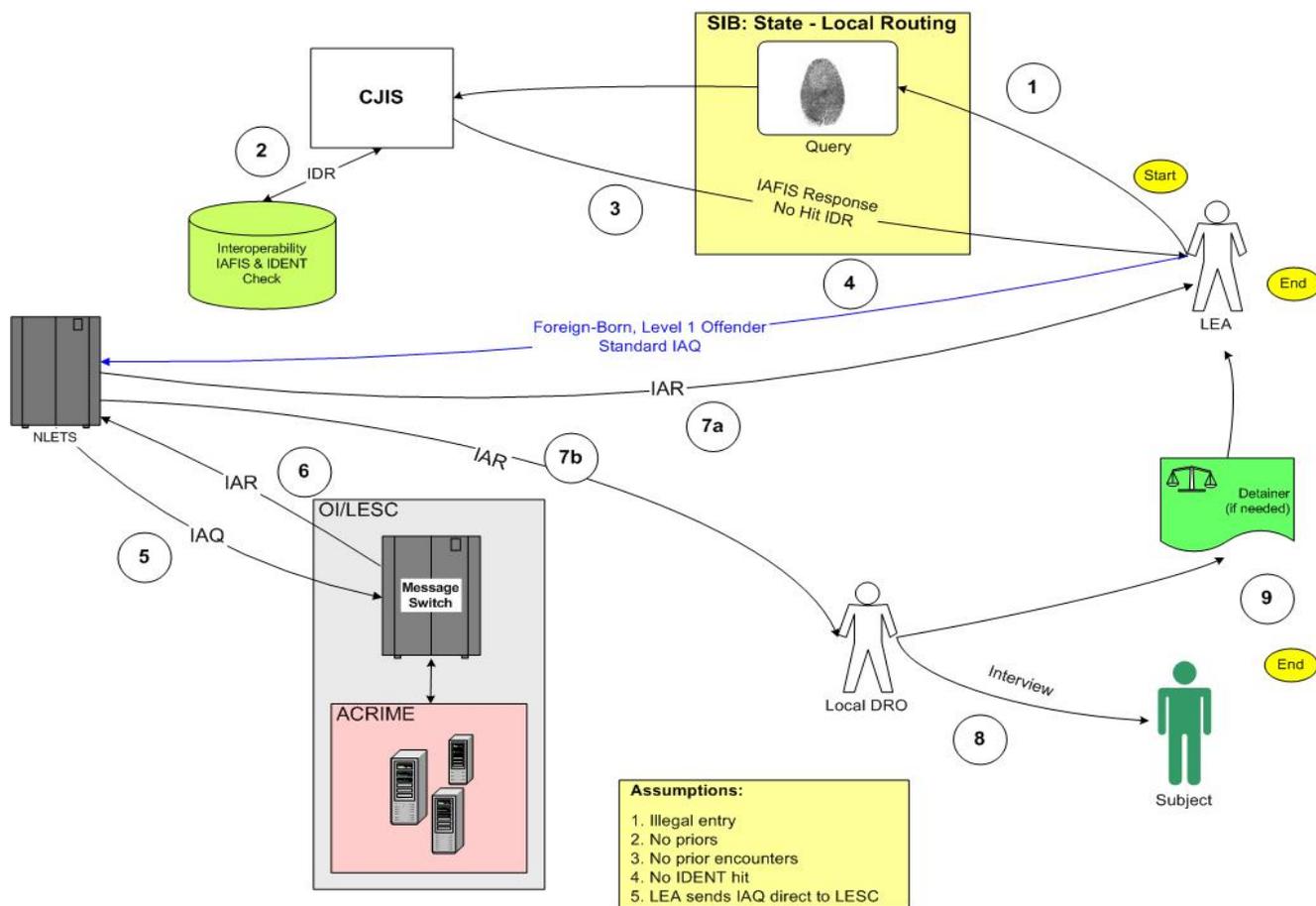
The following processes will be used by LEAs, LESC, and DRO field offices when Interoperability delivers an IDENT **no-match**, but booking information for a Level One subject indicates **foreign place or unknown place of birth**:

1. LEA submits fingerprints to FBI CJIS (IAFIS)
2. Findings from Interoperability (IAFIS and IDENT) gathered
3. CJIS returns IAFIS response and No Match IDR to LEA
4. For level one subjects of foreign or unknown place of birth, LEA should submit an IAQ directly to LESC
5. IAQ is routed via NLETS to the LESC
6. LESC completes identification and determination checks to create an IAR
7. Via NLETS, LESC routes IAR to LEA (7a) and to DRO field office (7b)
8. DRO field office contacts LEA and interviews subject
9. DRO field office lodges a detainer with the LEA (when appropriate)

287(g) Scenario
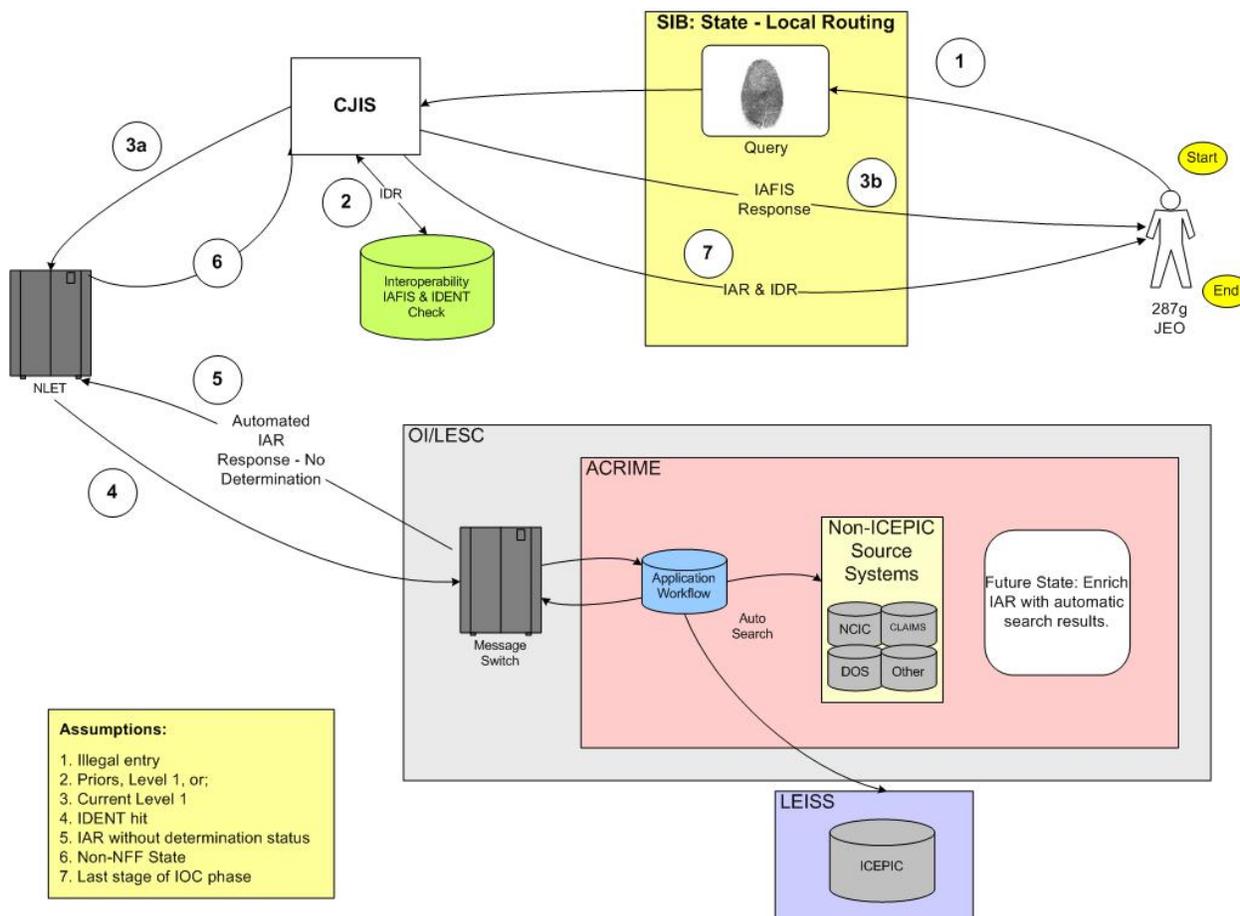
The following processes will be used by Jail Enforcement Officers (JEOs), LESC, and DRO field offices when a jail with 287(g) authority submits prints to CJIS:

1. JEO submits fingerprints to FBI CJIS (IAFIS)
2. Findings from Interoperability (IAFIS and IDENT) gathered
3. CJIS sends IAQ via NLETS to the LESC (3a) and returns an IAFIS response to the LEA (3b)
4. IAQ is routed via NLETS to the LESC
5. Automated identification checks at the LESC are completed and an IAR automatically generated and returned to JEO
6. Via NLETS, the IAR is routed to CJIS
7. CJIS sends IDR and IAR via CJIS WAN to the State Identification Bureau (SIB); SIB forwards to LEA

ATTACHMENT 3 – ACRONYM LIST

Acronym/ Abbreviation	Full Text
ACCESS	Agreements of Cooperation in Communities to Enhance Safety and Security
ACRIMe	Alien Criminal Response Information Management System
APB	Advisory Policy Board
ATD	Alternatives to Detention Program
BEST	Border Enforcement Security Teams
BJS	Bureau of Justice Statistics
BOP	Bureau of Prisons
BST&T	Bed Space, Transportation, and Detainee Location Tracking Automation System
CAP	Criminal Alien Program
CBP	Customs and Border Protection
CIS	Citizenship and Immigration Services
CJIS	Criminal Justice Information Services Division
CMU	Case Management Unit
COE	Committed, Obligated and Expended
DACS	Deportable Alien Control System
DEPORT	Detention Enforcement and Processing Offenders by Remote Technology
DHS	Department of Homeland Security
DOJ	Department of Justice
DOS	Department of State
DRO	Detention and Removal Operations
DROM	Detention and Removal Operations Modernization
EADM	ENFORCE Alien Detention Module
EARM	ENFORCE Alien Removal Module
ENFORCE	Enforcement Case Tracking System
EOIR	Executive Office of Immigration Review
ER	Expedited Removal
eTD	Electronic Travel Documents
FBI	Federal Bureau of Investigation
FLETC	Federal Law Enforcement Training Center
FOD	Field Office Directors
FOSC	Fugitive Operations Support Center
FOU	Flight Operations Unit
IAFIS	Integrated Automated Fingerprint Identification System
IAQ	Immigration Alien Query
IAR	Immigration Alien Response
ICE	Immigration and Customs Enforcement
ICEPIC	Immigration and Customs Enforcement Pattern Analysis Information Collection
IDENT	Automated Biometric Identification System
iDSM	interim Data Service Model
IGSA	Inter-Government Service Agreement
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Services
Interoperability	IDENT/IAFIS Interoperability
IRA	Interoperability Response Agent
IRP	Institutional Removal Program
IT	Information Technology
JEO	Jail Enforcement Officer
JPATS	Justice Prisoner and Alien Transportation System

Acronym/ Abbreviation	Full Text
KST	Known or Suspected Terrorists
LEA	Law Enforcement Agency
LESC	Law Enforcement Support Center
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NCIC	National Crimes Information Center
NFF	National Fingerprint File
NLETS	National Law Enforcement Telecommunications System, recently renamed to International Justice and Public Safety Network
OAM	Office of Asset Management
OAQ	Office of Acquisition
OI	Office of Investigations
OIA	Office of International Affairs
OLC	Operation Last Call
OMB	Office of Management and Budget
OPLA	Office of the Principal Legal Advisor
PMO	Program Management Office
Q3 CSR	3rd Quarter FY 2008 SC/CIRCA Congressional Status Report
Rapid REPAT	Rapid Removal of Eligible Parolees Accepted for Transfer
SC/CIRCA	Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens
SIB	State Identification Bureau
SOP	Standard Operating Procedures
USMS	United States Marshal Service
US-VISIT	United States Visitor and Immigrant Status Indicator Technology
VCAS	Violent Criminal Alien Sections
VTC	Video Teleconferencing

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