

## Law Enforcement Sensitive – For Official Use Only



U.S. Immigration  
and Customs  
Enforcement

April 18, 2012

### **ERO Atlanta Field Office: *Prospective Criminal Apprehension Initiatives***

#### **Dalton / Whitfield Resident Officer:**

During FY11, the Atlanta Fugitive Operations Program initiated a trial program in which one Deportation Officer was co-located with the Dalton Homeland Security Investigations (HSI) Resident Agent in Charge (RAC) Office and the Whitfield 287(g) program. The expectation of this program was that the Officer would work with ICE assets in the area and develop new relationships with local law enforcement agencies in northwest Georgia in order to identify and arrest aliens who fall under the Fugitive Operations Tier Priorities and the Director's Civil Priorities. This program had success well beyond the initial expectations. With the assistance of an Immigration Enforcement Agent (IEA) assigned to Fugitive Operations, the Officer recorded 266 arrests. Several of these arrests were particularly significant in nature, and many of the cases may not have come to the attention of ICE enforcement had the Officer not been present and developed strong ties with the local agencies. Several sheriffs in the region have gone out of their way to make ERO leadership aware of their enthusiasm for this "resident officer" program. This small experiment continues to benefit ERO statistically and has enhanced our reputation with law enforcement and the local community in Northwest Georgia. We believe that this experiment could be replicated by placing one or two dedicated officers at the North Georgia Detention Center to work within the surrounding area. Areas like Columbus, Augusta and Savannah, GA we feel would also have the same results. Proactive teams in these locations have the potential to provide a large boost in overall criminal arrests. This is a program that requires a minimal manpower investment on our part with the potential for a large increase in arrests. Potential additional arrests are 700-1000, with a total of 8-10 officers to process.

#### **DMV Project:**

The Atlanta Field Office will reach out to the Georgia Drivers Services Investigators to determine if a photo scrub for duplicate photos with different biographic information on file can be conducted. The Atlanta Field Office will also attempt gain access to any temporary driver licenses issued to foreign born applicants for possible leads.

#### **US Marshals Southeast Regional Fugitive Taskforce (SERFTF):**

The Atlanta Field Office currently has one officer assigned to the US Marshals Southeast Regional Fugitive Taskforce (SERFTF). Since the assignment of the officer, he has participated in approximately eighty (80) ICE related arrests. Many of these cases are egregious criminals

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who are a top priority under ICE's Civil Enforcement Priorities. The SERFTF is great resource for criminal alien leads. The Atlanta Field Office will increase outreach to the taskforce and temporarily assign additional officers to the taskforce. These officers will work with local law enforcement agencies to identify and arrest aliens with outstanding criminal warrants.

#### **Detail an Outside Fugitive Operations Team in Middle Georgia:**

Atlanta ERO is unable to focus on middle Georgia due to the distance. We believe by detailing a Fugitive Operations team to the Macon, Georgia, area, they could be productive in the middle to southern portion of the state. A team detailed to this area could also establish liaisons with local law enforcement agencies, which would increase referrals and arrests. The number of expected targets is unknown at this time. We also find that the processing of these cases could be problematic, due to the distance to the nearest ICE office. Personnel, however, can prepare scratch I-213s, and the arrested aliens can be transported to the Stewart Detention Center where processing officers could complete the case in Enforce. It is likely that a daily bus run would be needed each afternoon from the central location (likely in the Macon area) to either the Stewart or Irwin County Detention Center. One additional Fug Ops team would be required.

#### **Detail an Outside Fugitive Operations Team to Columbia, South Carolina:**

We believe that there are a significant number of criminal alien fugitive and re-entry targets in the Columbia, South Carolina area. The Columbia CAP Unit and Charleston Fugitive Operations Unit can probably provide additional information on the target base in the Columbia area. We currently lack manpower to give this area the attention that it deserves. One additional Fugitive Operations team from outside the Atlanta AOR would be required.

#### **Increasing Bond Amounts to Ensure Court Appearances and Reduce Absconder Numbers:**

If bond amounts were increased within reasonable, justifiable amounts, it would dramatically reduce the number of absconders that we currently see. This in turn would increase the number of criminal aliens removed from the U.S. and reduce the number of aliens added to the fugitive backlog. We do not believe any additional staff would be needed to handle the slight increase in detained alien numbers.

#### **Establish Regional Fug Ops QRT Teams Around the AOR:**

The Atlanta Field Office could establish Fugitive Operations Quick Response Teams (QRT) around the AOR to increase coverage around each state and establish better liaisons with local law enforcement. Each team would consist of two to four officers (DOs and/or IEAs) with Fugitive Operations experience and preferably a good working knowledge of the area to which they are assigned. Obviously this would require additional personnel resources on a permanent basis and would create the need for additional jail Inter-governmental Services Agreements

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(IGSA) and transportation needs in some areas. Even if not adopted on a large-scale basis, Fugitive Operations QRT teams could be established in areas such as Macon, Dalton, and Gainesville, Georgia, Columbia, South Carolina, and other largely populated areas where ERO currently has minimal resources. The exact number of criminal, fugitive, and re-entry arrests is uncertain; however, with ERO presence and better liaisons with local law enforcement personnel in these areas, increases in arrests would be inevitable. This is more of a long-term solution as it would require permanent personnel, local jail space and/or transportation agreements.

#### **Conducting Non-Detained Unit Voluntary Departure Case Review Blitzes:**

Past-due cases assigned to the Non-Detained Voluntary Departure (VD) docket could be reviewed every one (1) to three (3) months (files blitzes) in ATS to determine if the aliens have departed the U.S. as required under VD, or self-deported after the VD period expired, so the cases could be closed in EARM. While these blitzes may not result in a significant number of case closures or criminal “removals”, it would not take significant resources to conduct the blitzes either. Each office could utilize existing personnel for a few days each month or every three months to run past-due VD cases in ATS. Some cases would be closed when departure is verified, while others would be referred to Fugitive Operations for further investigation and possible arrest.

#### **North Carolina Criminal Alien Program (CAP):**

Charlotte (CLT) CAP is working with North Carolina Adult Probation and Parole and will be setting up at a minimum one (1) arrest operation each month for the remainder of FY 2012. We will set as many as we can depending on the timeliness and responsiveness of the local probation officials / supervisors. This could net approximately fifty (50) additional criminal arrests / removals.

CLT CAP is prepared to adjust shifts so that we could work weekends at local jails in order to identify criminal aliens arrested by local law enforcement officials who would normally be released prior to being encountered on Monday. This could net approximately 50-100 additional criminal arrests or more, based on frequency.

On the Southeast section of North Carolina (Wilmington) there are currently only two (2) IEAs assigned in that area. We would like to TDY additional staff in that area to make it a full CAP team. They would be responsible for the surrounding eight (8) counties to include two (2) South Carolina counties that the Charleston office has difficulty reaching.

Reinstitute weekend CAP Surges at local and state prisons within our AOR. We can schedule mini CAP surges every weekend for the remainder of FY 2012. Left to our own devices and resources (overtime), we could likely generate an additional forty (40) cases per month.

If we are able to receive ERO detailers from outside the AOR, we could work these CAP surges during the week (in addition to weekends) as well. There are definitely numbers at the over 70

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state and local jails within our AOR. If we had 5-10 detailers, we could probably generate 50-100 additional cases per month.

#### **Assist at Organized Checkpoints:**

We have been approached by multiple police departments and county Sheriff's Offices to participate with them during scheduled traffic checkpoints. ICE would not be at the checkpoint itself so this would not appear to be an ICE organized checkpoint. The locals would be the lead agency checking for DWIs, NOL, and other traffic/criminal offenses. When the vehicles get sent to the secondary location, we (ICE) would be set up there, waiting to interview all individuals that we deem necessary. This would include occupants in the vehicle if necessary. We would also have the mobile IDENT machines set up to take fingerprints to get an accurate account of all immigration and criminal history.

CLT Fugitive Operations participated with Mecklenburg County during a traffic checkpoint operation back in 2007, where they netted multiple criminal arrests at the end of the night. The counties that are requesting assistance are primarily counties that do not have a 287(g) program and are located a great distance from Charlotte, which makes it very difficult to get out to these areas on a daily basis. Using the traffic checkpoint would enable us to encounter people that we wouldn't normally encounter during day to day operations.

The only individuals arrested during this joint effort would be criminal aliens, fugitives and re-entries. It could even be handled in the same manner as the Operation Cross Check cases: non-criminal "in-absentia" cases, where the removal order was issued prior to 2008, would not be targeted. This would be left up to the discretion of the Field Office Director (FOD) knowing that prosecutorial discretion (PD) may come into play with a lot of these cases.

The amount of apprehensions this would lead to is unknown as we have only conducted one of these traffic checkpoints back in 2007.

No additional staff would be needed. The Fugitive Operations Teams could handle the workload and if needed, we could reach out to additional units within the Field Office to supplement.

#### **Targeting Inactive Foreign-Born Probationers:**

With respect to Raleigh, North Carolina, the Criminal Alien Program became fully active in 2007. Prior to that there were limited resources covering this area between legacy DRO and the Office of Investigations. Additionally, the 287(g) program did not become operational in Raleigh until 2008 and Secure Communities until 2009. Therefore, there are a large number of foreign born individuals that were arrested and convicted prior to 2007, who did not come to the attention of ICE. The North Carolina Department of Community Corrections (DOCC) has been instrumental in assisting ICE in identifying and removing foreign born offenders on active probation; however, there is the potential for a large number of offenders not identified by ICE as their respective probation sentences expired prior to ICE's active role with DOCC.

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In order to identify those offenders who have been overlooked by ICE, locally a POC with DOCC should be established (we in Raleigh have done this through Fug Op personnel) and access their foreign born offenders with a probation completion date prior to 2007. This list could then be vetted through the Fugitive Operations Support Center (FOSC) and distributed to the respective Fugitive Operations Teams within the AOR for targeting under the “at-large criminal alien” population.

### **ICE Personnel Assisting Local Gang Units During Field Operations:**

Currently, HSI has limited resources to dedicate to gang enforcement in various AORs. With HSI’s consent, ERO personnel should be permitted to take an active role with various local police/sheriffs “Gang Units”. The Raleigh Fugitive Operations Unit has begun requesting lists of active gang members from local sources and vetting the individuals of gangs known to have a high foreign-born membership (i.e.: SUR 13, MS 13, etc.) through ICE indices in an attempt to identify ICE targets. Additionally, ERO personnel would be authorized to assist local LEOs during targeted enforcement actions involving the aforementioned gangs. This involvement would utilize local LEOs as a force multiplier.

### **North Carolina DMV Project:**

The North Carolina Department of Motor Vehicles (NCDMV) License & Theft Division has been instrumental in assisting the Raleigh Fugitive Operations Team with regards to locating and apprehending ICE fugitives. Mirroring the Newark CAP DMV project, the involvement of NCDMV Inspectors utilizing the state’s current facial recognition technology to screen potential fraud cases could benefit both ICE and the NCDMV.

Additionally, increases in “No Operators License” (NOL) arrests are inundating CAP and 287(g). Previously, documents considered acceptable for proof of residency in North Carolina were easily forged, or the information provided by applicants was not verified. However, in 2006, state lawmakers required a valid social security number or visa. The DMV stopped accepting Mexican ID cards in 2004. Therefore, cooperating with DMV to identify all denied license renewal applications (due to lacking proof of residency) would provide a significant foreign-born target base which could be vetted further to identify those with prior criminal convictions.

### **Coordinating with Local Magistrates and District Attorneys:**

An alarming number of individuals pending charges at the local level subsequently have their charges “dismissed” due to the presence of an ICE Detainer. This causes the individual to transfer into ICE custody lacking a criminal conviction. At the local level, ICE Agents/Officers should coordinate with all Magistrates and District Attorneys to explain the importance of a criminal conviction relative to the removal process. If plea-agreements could replace dismissals, it would allow for more aliens rightly deserving of a criminal classification.

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#### **State Probation and Parole Outreach (South Carolina and Georgia):**

Charleston ERO will reach out to South Carolina Probation and Parole and Georgia Probation and Parole to identify current active criminal aliens who are actively reporting to probation and parole officers. Charleston ERO can anticipate encountering 400-1,000 criminal aliens in the states of South Carolina and Georgia.

Charleston ERO will also ask for a list of inactive cases dating back five (5) years and will vet the list for any potential criminal aliens who were not placed in removal proceedings. Charleston ERO can anticipate generating at least 3,500 possible leads in both South Carolina and Georgia. The potential leads will be targeted for arrest during Cross-Check Operations and future CAP surges.

#### **4<sup>th</sup> Quarter Operation Cross-Check IV:**

The Charleston Fugitive Operations Team will actively target criminal aliens in the Savannah, Georgia, area as part of Operation Cross-Check IV. Georgia Probation and Parole in Pooler, Georgia, has pledged their support and cooperation and we anticipate identifying at least twenty (20) criminal aliens at the Pooler, Georgia, Probation Office. Charleston Fugitive Operations will also reach out to Glynn, Liberty, Chatham and McIntosh County Probation and Parole and anticipates an additional twenty-five (25) criminal aliens during Operation Cross-Check IV. Charleston ERO will also obtain an Absconder List from the surrounding Georgia counties and will actively seek to encounter any foreign born absconders.

All processing will be performed at the Savannah ERO office. The Charleston Fugitive Operations Unit (five (5) members) and ten (10) additional volunteers will be required from Charleston CAP, DMU and other local federal agencies as well as officers from the Savannah, Georgia, ERO office.

#### **Local Law Enforcement DUI Checkpoints:**

Charleston CAP can reach out to surrounding local counties and will look into participating on weekend DUI Checkpoints. Hardeeville Police Department (Jasper County) currently performs two monthly DUI Checkpoints which are posted in the local newspaper. The checkpoint locations are not disclosed but the dates of the operations are posted and are public record. Charleston ERO can partner with Hardeeville PD and other local law enforcement agencies and identify any foreign born nationals amenable to removal before they have a chance to post bond/bail.

Charleston ERO can anticipate a minimum of ten (10) arrests per operation and ERO should be able to allocate at least three officers at the local jails. At no time will ICE officers be stationed at the DUI checkpoints, ERO will be stationed at the local jail and will place ICE Detainers as needed.

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### **County Solicitor's Office Outreach:**

Charleston ERO has reached out to several County Solicitor's offices to obtain current rosters for their General Sessions Court Cases. Charleston ERO will vet the lists for any foreign born criminal aliens and will try to apprehend these individuals after their court appearances or at their last known address. Charleston ERO currently has access to the Aiken County General Sessions Court Roster via the Aiken County Website. The Charleston Fugitive Operations Unit has already identified at least ten (10) at large criminal aliens and encountered one (1) criminal alien at a State Correctional Facility with no active ICE Detainer in place.

Charleston ERO can anticipate encountering 25 to 75 "at large" criminal aliens from the Aiken County Solicitor's Office, which includes Barnwell and Bamberg County.

### **South Carolina SLED Outreach:**

Charleston ERO will reach out to the South Carolina State Law Enforcement Division (SLED) and will work diligently to identify any foreign born sex offenders that have not been encountered by Immigration and Customs Enforcement Officers. The Charleston Fugitive Operations Team will take the lead on this initiative and not only identify foreign born Sexual Predators but also serious at large criminal offenders.

### **Secure Communities:**

Charleston ERO CAP will conduct outreach with all secure communities counties to ensure that all encounters are being submitted via biometric live scan technology to ICE. It appears that several counties in South Carolina are experiencing technical issues with the live scan equipment and are unable to submit fingerprints appropriately. Thus, they are sending hard fingerprint cards manually to SLED for submission to ICE. However, because of the slow turn around on manual submission of finger prints many criminal aliens are being released prior to Immigration being notified. Correcting these issues will greatly increase the overall number of criminal aliens encountered statewide by the CAP Unit.

### **Local Law Enforcement Task Force:**

Operation Joint Effort is a partnership between FOD San Diego (FSD) and the Escondido Police Department (EPD) which was implemented on May 9, 2010. This partnership consists of three Deportation Officers who have been detailed to work with EPD. The objective is to use the resources of both agencies to locate, arrest, and remove criminal, fugitive, and previously removed aliens who are encountered in the city of Escondido, CA.

FOD Atlanta would like to implement something similar by working with our local police departments. The average midsize police department issues between 250 and 400 traffic tickets per week and completes 50+ field interview cards. This is a lot of data that is being collected that

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ICE could look into. There are a tremendous number of local law enforcement encounters that occur on a daily basis where the individual is the subject of a traffic ticket or warning or a field interview and is not taken into custody. If we could look at the data from these types of encounters and run them through our databases we are likely to identify a number of aliens that fall into one of the four priorities. To date the FOD San Diego collaboration has resulted in the arrest of over 900 criminal aliens and we feel the Atlanta AOR could benefit from this as well.

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