



Secure Communities: Quarterly Report

Fiscal Year 2009 Report to Congress

Third Quarter

August 27, 2009



Homeland
Security

U.S. Immigration and Customs Enforcement

Message from the Assistant Secretary

August 27, 2009

I am pleased to present the United States Immigration and Customs Enforcement Quarterly Report on Secure Communities: A Comprehensive Plan to Identify and Remove Criminal.

The report has been compiled in response to a requirement in the Fiscal Year (FY) 2009 Department of Homeland Security Appropriations Act (P.L. 110-329) and covers the third quarter of FY 2009.

Pursuant to congressional requirements, this report is being provided to the following:

The Honorable David E. Price
Chairman, House Appropriations Subcommittee on Homeland Security

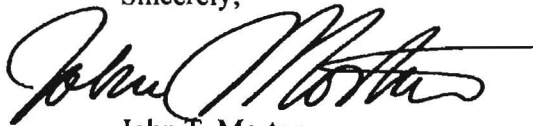
The Honorable Harold Rogers
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Robert Byrd
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable George V. Voinovich
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries relating to this report may be directed to me at (202) 732-3000 or to the Department of Homeland Security Acting Chief Financial Officer, Peggy Sherry, at (202) 447-5751.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Morton". The signature is fluid and cursive, with the first name "John" and last name "Morton" clearly distinguishable.

John T. Morton
Assistant Secretary
U.S. Immigration and Customs Enforcement

Executive Summary

In Fiscal Year (FY) 2008, Congress appropriated \$200 million for Immigration and Customs Enforcement (ICE) to “improve and modernize efforts to identify aliens convicted of a crime, sentenced to imprisonment, and who may be deportable, and remove them from the United States, once they are judged deportable...” In response, ICE launched Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens (SC/CIRCA) to transform the way ICE identifies and removes criminal aliens from the United States. In the FY 2009 Department of Homeland Security Appropriations Act (P.L. 110-329), Congress appropriated an additional \$150 million for SC/CIRCA while expanding the initiative’s scope to “prioritize the identification and removal of aliens convicted of a crime by the severity of that crime” and “identify individuals illegally present in the United States who have criminal records, whether incarcerated or at-large, and to remove those aliens once they have been judged deportable in an immigration court.” Congress further required ICE to use at least \$850 million of existing program resources to support these efforts.

To meet a Congressional requirement for reporting on exactly how it will allocate the funds provided for criminal alien enforcement, ICE prepared the “Plan to Utilize the FY 2009 Appropriation for the Removal of Criminal Aliens in Alignment with Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens.” This document describes ICE plans, during FY 2009, to obligate \$1.197 billion of ICE base funding, \$180.475 million from the SC/CIRCA 2-year FY 2008 appropriation, and \$75.023 million from the SC/CIRCA 2-year FY 2009 appropriation—bringing the total planned FY 2009 obligations in support of criminal alien enforcement to \$1.452 billion. At the end of the third quarter of FY 2009, ICE had obligated \$1.061 billion in alignment with its plan. For more details on FY 2009 progress toward stated ICE obligation plans, see Section 5.

The SC/CIRCA Program Management Office analyzes ICE needs and requirements and coordinates its initiatives to leverage the key ICE criminal alien projects and programs that are expending these funds. This quarterly report describes achievements and traces funding through the immigration enforcement life cycle of identifying, detaining, removing, and deterring/reducing recidivism of criminal aliens.



Secure Communities: Quarterly Report Third Quarter Fiscal Year 2009

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I. Legislative Requirement

Congress mandates that the Immigration and Customs Enforcement (ICE) provides quarterly reports on its expenditure of the \$1.4 billion received in appropriations from Congress for the purpose of identifying and removing criminal aliens from the United States, as provided in the Fiscal Year (FY) 2009 Department of Homeland Security (DHS) Appropriations Act (P.L. 110-329).

II. Identifying Criminal Aliens

The first strategic goal of Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens (SC/CIRCA) is: “To identify and process all criminal aliens amenable for removal while in federal, state, and local custody.” Achieving this goal has historically proven challenging for two main reasons. First, insufficient information currently reaches ICE regarding which individuals, among the millions in federal, state, and local custody, are removable aliens. Second, although ICE has existing programs designed to identify criminal aliens, these programs, like all law enforcement programs, have limited resources. As detailed in the following section, the SC/CIRCA Program Management Office (PMO) is working through these challenges to achieve the program’s first strategic goal by:

- Deploying technology to coordinate information exchange between the main criminal history and immigration data systems at DHS and the Department of Justice (DOJ). This technology will ultimately increase the volume of criminal history and immigration status information available to ICE and its law enforcement partners.
- Effectively coordinating and focusing resources provided by Congress to employ and expand current ICE programs and operations that already focus on criminal aliens. These programs include the Criminal Alien Program (CAP); the National Fugitive Operations Program (NFOP)/Fugitive Operations Teams; Criminal Investigations; and ICE Agreements of Cooperation in Communities to Enhance Safety and Security (ACCESS)/287(g) Program.

As described in more detail below, ICE is continuing to make progress in these tasks.

A. Interoperability

Historically, when law enforcement agencies (LEAs) made an arrest and booked a subject, they would submit the subject’s biographic and biometric information to the DOJ Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division (CJIS) Integrated Automated Fingerprint Identification System (IAFIS) to determine criminal history. Determining immigration status was a separate, manual process that used only biographic information submitted by

LEAs. Through Interoperability, this biographic and biometric information is now automatically routed by CJIS/IAFIS to United States Visitor and Immigrant Status Indicator Technology Automated Biometric Identification System (US-VISIT/IDENT) and, if there is a match, to ICE’s Law Enforcement Support Center (LESC). This automatic routing of information enables more timely determinations of subjects’ immigration status.

Interoperability

Interoperability increases the information sharing capability between the Department of Homeland Security’s United States Visitor and Immigrant Status Indicator Technology Automated Biometric Identification System and the Federal Bureau of Investigation Criminal Justice Information Services Division’s Integrated Automated Fingerprint Identification System.

Below is a step-by-step breakdown of how Interoperability works:

1. When a subject is arrested and booked, the arresting Law Enforcement Agency (LEA) sends a criminal history and immigration identity information request to CJIS/IAFIS.
2. CJIS routes the biometric and biographic information to US-VISIT/IDENT and determines if there is a match.
3. A match in IDENT generates an Immigration Alien Query (IAQ) to the ICE LESC.
4. The LESC queries law enforcement and immigration databases to make an initial immigration status determination and thus generate an Immigration Alien Response (IAR). The IAR may include a criminal level classification used to prioritize enforcement actions if a subject is determined to be a criminal alien.
5. The LESC sends IARs to the local Detention and Removal Operations office, as well as back to CJIS, which routes IARs back to LEAs through their State Identification Bureaus (SIBs).

In cases where a subject has been identified as potentially eligible for removal, ICE prioritizes

Threat Level Determinations

Level 1: Offenses include murder, manslaughter, rape, robbery, kidnapping, drug offenses resulting in sentences greater than 1 year, and threats to national security.

Level 2: Offenses include minor drug offenses and property offenses such as burglary, larceny, fraud, and money laundering.

Level 3: Offenses consist of less severe criminal offenses.

enforcement actions by classifying subjects based on the level of offense, for which subjects have been charged or previously convicted. SC/CIRCA prioritizes offenses according to three levels of offense, with top priority for enforcement actions given to Level 1 offenses.

In collaboration with participating LEAs, Interoperability creates a virtual ICE presence at jails and booking locations in jurisdictions across the country and enables ICE to identify criminal aliens via biometrics at the earliest stage of encounter. This functionality improves the accuracy and timeliness of criminal alien identification and eliminates the need for ICE law enforcement

technicians to manually search extensive lists of encountered individuals with common names or multiple aliases to identify accurate immigration and prior criminal records. Saving time in the identification process increases the ability for ICE to act before the subject is released back into the community.

The following sections further discuss Interoperability deployments and results, as well as ICE efforts to ensure readiness to support and enhance Interoperability deployment.

Interoperability Deployment and Results

ICE estimates that there are more than 31,000 booking facilities in more than 3,000 jurisdictions across the United States. As of third quarter (Q3) FY 2009, ICE has not deployed Interoperability to all of these locations. ICE continues to work toward deploying Interoperability to these facilities based on a risk-based prioritization approach. This includes evaluation of deployment prerequisites, such as necessary resources and capabilities for Office of Detention and Removal (DRO) field offices, states, and LEAs for Interoperability activations.

During Q3 FY 2009, Interoperability deployments were determined by factoring in the following data across jurisdictions: crimes committed by non-citizen, foreign-born individuals using the FBI's Uniform Crime Reporting data, census data to examine foreign-born populations, and ICE charging documents to examine ICE operational volume. In support of the DHS Southwest Border Security Initiative, ICE also prioritized deployment to high-risk criminal activity jurisdictions along the Southwest border.

During second quarter (Q2) FY 2009, Interoperability was deployed to 48 of the 51 planned jurisdictions. During Q3 FY 2009, Interoperability was deployed to 21 of the 29 jurisdictions, including an additional deployment to San Diego County, California, which was 1 of the 3 pending jurisdictions from the Q2 FY 2009 deployment plan. As illustrated in Table 3.1, during Q3 FY 2009, the 22 deployments were all to Southwest border states, including 2 new states (California and New Mexico). At the end of Q3 FY 2009, Interoperability was deployed to a total of 70 jurisdictions, covering nearly 18.5 percent of the criminal alien population.¹ In addition, Table 3.2 below provides the deployment jurisdictions selected for fourth quarter FY 2009.

Table 3.1 - Q3 FY 2009 Interoperability Deployment Jurisdictions

State	Jurisdiction	ICE DRO Field Office	Activation Week Of/Actual Date
California	San Diego	SND	26-May
Texas	Texas Department of Criminal Justice	HOU	18-May
Texas	Starr	SNA	9-Jun
Texas	Brooks	HOU	9-Jun
Texas	Jim Wells	HOU	9-Jun
Texas	Kleberg	HOU	9-Jun
Texas	Kenedy	HOU	10-Jun
Texas	Hidalgo	SNA	10-Jun
Texas	Willacy	SNA	15-Jun
Texas	Bexar	SNA	16-Jun
Texas	Dimmit	SNA	16-Jun
Texas	Travis	SNA	16-Jun
Texas	Webb	SNA	16-Jun
Texas	Zapata	SNA	16-Jun
Texas	El Paso	ELP	17-Jun
Texas	Presidio	ELP	17-Jun
Texas	Terrell	ELP	17-Jun
Texas	Nueces	HOU	19-Jun
New Mexico	Dona Ana	ELP	24-Jun
Texas	Brewster	ELP	24-Jun
Texas	Jeff Davis	ELP	24-Jun
Texas	Pecos	ELP	24-Jun

¹ Based on ICE model projections, as of June 30, 2009.

**Table 3.2 - Q4 FY 2009 Proposed
Interoperability Deployment Jurisdictions**

State	Jurisdiction	ICE DRO Field Office
Texas	Hudspeth	ELP
Texas	Culberson	ELP
New Mexico	Grant	ELP
New Mexico	Hidalgo	ELP
New Mexico	Luna	ELP
Arizona	Cochise	PHO
Arizona	Pima	PHO
Arizona	Santa Cruz	PHO
California	Imperial	SND
Texas	Cameron	SNA

ICE continues efforts to deploy Interoperability to prioritized jurisdictions and to measure performance and results where Interoperability has been activated. Table 3.3 illustrates both cumulative Interoperability performance since inception in October 2008 and specific Q3 FY 2009 performance measures.

Table 3.3 - Interoperability Summary Performance Measures through Q3 FY 2009

Performance Measures	Q1 FY 2009	Q2 FY 2009	Q3 FY 2009	Growth from Q2 to Q3	FY-to-Date
Interoperability Jurisdictions	14	34	22		70
Biometric Submissions	29,756	163,794	251,507	54%	445,057
IDENT Matches	3,278	19,464	33,585	73%	56,327
Level 1 Determinations	167	1,694	3,222	90%	5,083
Removals	25	175	395		595
In Proceedings	49	731	1,150		1,930
Awaiting Outcomes*	39	650	1,818		2,507
Level 2/Level 3 Determinations	3,111	17,775	30,363	71%	51,249
Removals	228	2,347	3,871		6,446
In Proceedings	239	1,603	2,935		4,777
Awaiting Outcomes*	1,760	11,001	21,280		34,041

* Number of IDENT matches that lack a case status in the Enforcement Case Tracking System

Note: Outcome measures always trail identifications. For example, a criminal alien may have been encountered in November (Q1) but not removed until June (Q3). Also, the Awaiting Outcomes numbers change on a quarterly basis as cases are resolved. For example, in the Secure Communities Quarterly Report to Congress for Q2 FY 2009, the Awaiting Outcomes category reported 13,536 cases for Q2. During this quarter, that number has decreased to 11,651, as 1,885 cases have moved to other outcome categories (for example, Removals, In Proceedings). The apparent increase in cases awaiting outcomes is directly attributable to the increase in identifications from newly activated locations.

During Q3 FY 2009, the total number of Interoperability biometric submissions increased by 54 percent, and IDENT matches from the submissions increased by 73 percent compared to Q2 FY 2009. In addition, the number of Level 1 determinations increased by more than 90 percent. Interoperability has also contributed to the increasing number of detainers issued each quarter. ICE successfully issued 6,046 detainers in Q3 FY 2009, which is nearly a 100 percent increase from Q2 FY 2009. The following success story demonstrates the significant role Interoperability plays in identifying and removing dangerous criminal aliens from communities.

Interoperability Success Story in Starr County, Texas

On June 9, 2009, the Starr County, Texas, Sheriff's Office arrested a male subject on charges of assault causing bodily injury. An IDENT/IAFIS Interoperability match identified him as a previously removed Mexican national who was convicted of attempted murder in 2005. IDENT data and LESC record checks revealed that both ICE and U.S Customs and Border Protection have encountered the subject on five separate occasions and last removed him from the country in January 2008. ICE will reinstate the subject's final order of removal, and his case will be presented for re-entry after removal felony prosecution pursuant to Title 8 USC § 1326.

Ensuring ICE Readiness to Support and Enhance Interoperability Deployment

As Interoperability deployment continues, ICE faces a significantly increasing number of status determination requests. During Q3 FY 2009, LESC processed 287,761 status determination inquiries, which is a 40.68 percent increase over FY 2008. To meet growing increases in status determination request volumes, ICE maintains ongoing efforts to support and enhance Interoperability deployment by continuing to:

- Increase staffing levels and redeploy current personnel where needed.
- Conduct outreach and coordination activities both within ICE and to external stakeholders.
- Modernize information technology (IT) to improve the efficiency of systems and processes.

Supporting ICE Staffing

In FY 2009, the SC/CIRCA PMO approved [b2 high, b7e] positions for the Office of Investigations and [b2 high, b7e] positions for the DRO operations to support the increase of Interoperability responses and the identification and removal of criminal aliens. The following provides more detailed information on positions that support such efforts.

As of June 30, 2009, [b2 high, b7e] LESC specialists were hired. LESC is in the process of hiring [b2 high, b7e] additional employees using SC/CIRCA FY 2009 funding and has made [b2 high, b7e] selections, which include [b2 high, b7e] LESC specialists, [b2 high, b7e] mission support specialists, and [b2 high, b7e] criminal research specialists. To support LESC efforts, of the nearly \$51 million in planned spending, \$18.6 million has been obligated, as of June 30, 2009.

To support further Interoperability rollout, ICE is redeploying current and new staff hired into vacant positions to perform as Interoperability response staff and will dedicate this staff to establishing a 24x7 Interoperability response capability. In addition, ICE also continues to

recruit and hire candidates to fill [redacted] SC/CIRCA-funded Interoperability response positions. These positions fulfill responsibilities such as issuing detainers on identified criminal aliens, maintaining communications with LEAs, and taking additional enforcement actions against criminal aliens as needed. During Q3 FY 2009, ICE hired [redacted] additional personnel toward the goal of [redacted] for a total of [redacted] individuals hired to date, of which [redacted] positions were internal.

During Q3 FY 2009, DRO also hired [redacted] personnel for a total of [redacted] personnel, toward its FY 2009 goal of filling [redacted] previously posted Detention Expansion positions to support the detention and processing of criminal aliens identified through Interoperability. These positions include deportation officers, immigration enforcement agents, detention and removal assistants, and supervisory detention and deportation officers.

Conducting Outreach and Coordination Activities

The SC/CIRCA PMO conducted outreach and coordination activities with key stakeholders throughout Q3 FY 2009 to build awareness of and readiness for Interoperability deployment. These ongoing activities follow a three-phased approach as outlined below:

1. Contact DRO field offices: To ensure DRO personnel is prepared to support deployment, SC/CIRCA staff conducts internal ICE outreach and coordination with DRO field offices in the Areas of Responsibility (AORs) where Interoperability will be deployed.
2. Coordinate with SIBs: Once DRO personnel are ready to support Interoperability deployment within their AOR, SC/CIRCA staff works closely with the appropriate SIB personnel to educate them about Interoperability and to receive approval for the planned deployment.
3. Implement with LEAs: Once the necessary coordination with DRO field offices and SIBs has occurred, SC/CIRCA staff coordinates with LEAs to educate them about Interoperability and to finalize exact locations and dates for Interoperability activation within their jurisdictions.

Modernization of Identification, Detention, and Removal IT

In addition to hiring additional personnel and conducting various outreach activities in support of Interoperability expansion, ICE is continuing to focus on modernizing IT used to identify criminal aliens.

ICE has obligated \$12.02 million as of June 30, 2009, toward its \$41.1 million FY 2009 obligation plan in support of Identification Systems modernization efforts, including those described below.

Current processes and systems that ICE employs to identify criminal aliens lack the resources and efficiencies necessary to make identifications in a timely manner. As a result, ICE remains focused on implementing the following efforts:

- Stabilizing the Alien Criminal Response Information Management (ACRIME) System
- Modernizing the ACRIME System
- Automating Research and Analysis

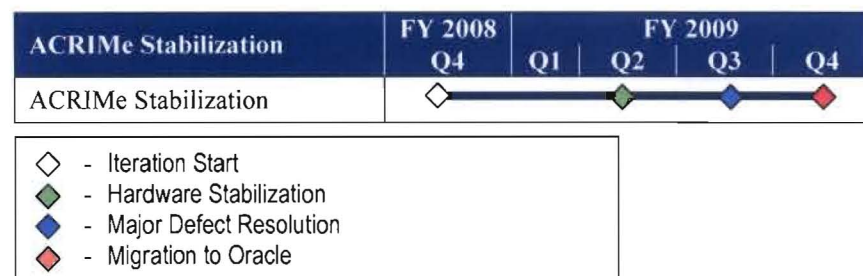
Stabilizing the ACRIME System

ACRIME is an Immigration and Naturalization Service legacy application that manages queries made by local law enforcement pertaining to the identification of aliens who have prior criminal convictions, are under ICE investigation, wanted by ICE or other LEAs, or are in the country illegally. ACRIME cross-references and compiles data from multiple ICE databases that contain relevant information. The data are analyzed to determine whether the alien is amenable for removal from the United States. The system also supports the entry of both administrative (immigration) and criminal arrest warrants into the National Crime Information Center (NCIC), the FBI's criminal history repository. Stabilizing the current ACRIME system will enable ICE to handle increased criminal history and immigration status determination request volumes until the new modernized ACRIME can be implemented, which will replace the legacy system.

In Q2 FY 2009, ICE completed the migration of ACRIME to a more stable production hardware platform, which has improved scalability and increased system availability. ICE also implemented Phase 1 of ACRIME stabilization, which provides daily backups of the LESC system.

In Q3 FY 2009, the ACRIME stabilization effort corrected all identified high-priority defects in the system. As a result of two major releases and a hardware upgrade in the past 6 months, ACRIME system outages decreased from more than five per day to approximately three per month by the end of Q3 FY 2009. In Q4 FY 2009, ICE plans to complete the final migration of ACRIME to the Oracle platform, which will complete the stabilization effort. Figure 3.1 illustrates the timeline and major milestones for ACRIME stabilization.

Figure 3.1 – ACRIME Stabilization Milestones



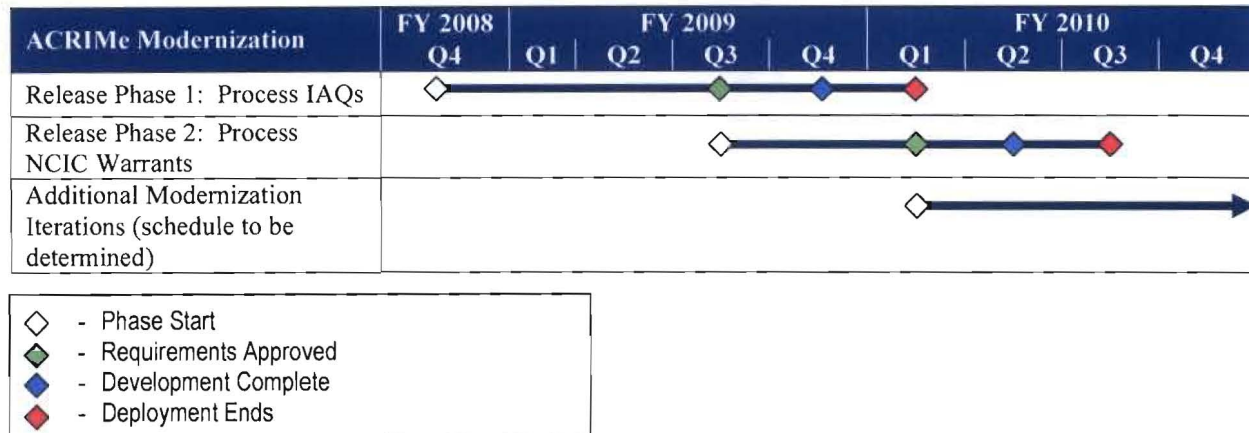
Modernizing the ACRIME System

ACRIME system modernization will help ensure timely, accurate processing of the increasing number of status determination queries by automating key workflow processes and transforming ACRIME into a web based application, available to users outside the LESC. To achieve this, the modernization project is focused on planning, documenting, and designing major system improvements, which also contribute to establishing the foundation for implementing research and analysis automation capabilities. The modernized ACRIME system will interface with the major databases that are searched to retrieve alien status information. The implementation of Release 1, scheduled for Q1 FY 2010, will enable more efficient processing of IAQs by expanding the user base and providing full backup, redundancy, and disaster recovery capabilities.

In Q2 FY 2009, ICE worked with internal stakeholders to finalize business and functional requirements, which were approved in Q3 FY 2009. During Q3 FY 2009, ICE also conducted initial design meetings to develop the Release 1 preliminary design document, which was submitted to the ICE Office of the Chief Information Officer for approval. As of Q3 FY 2009, the completion of the modernization project is still scheduled for Q4 FY 2011.

Figure 3.2 illustrates the timeline and major milestones for ACRIME modernization.

Figure 3.2 – ACRIME Modernization Milestones



Automating Research and Analysis

While the stabilization and modernization projects proceed, ICE continues its efforts to plan, document, design, and acquire new systems that automate research and analysis functions for more expedient immigration status and threat level determinations. While ICE is still moving forward to automate many components of the status determination process, it is inappropriate to automate the entire process, as authorized immigration enforcement agents are required by law to perform certain duties.

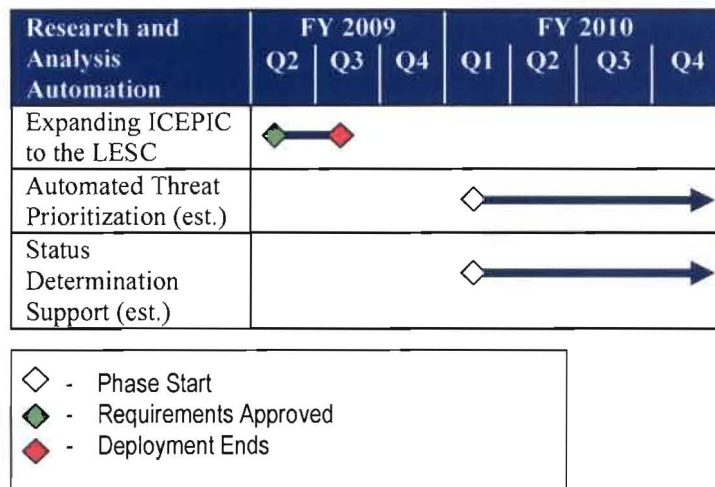
In the Q4 FY 2008 quarterly report, ICE reported three planned research and analysis automation efforts to support and improve the immigration status and threat level determination process:

- Developed an Automated Threat Prioritization (ATP) system—to provide threat level assessments by utilizing data provided directly in the IAQ and NCIC-provided criminal history information.
 - In the first half of FY 2009, ICE developed requirements for the ATP system and, during Q3 FY 2009, released a request for proposals. Contract award is planned for Q4 FY 2009, with work beginning in FY 2010.
- Expanded use of the Immigration and Customs Enforcement Pattern Analysis and Information Collection (ICEPIC) system at the LESC—to provide consolidated investigative and enforcement information to more LESC technicians.
 - During Q3 FY 2009, ICE completed a hardware upgrade to add capacity and improve system performance.

- Provided a Status Determination Support (SDS) system—to provide ICE personnel with analytic support tools and automation services to increase the accuracy of IAQs and the efficiency of the investigative process.
 - The SDS contract will provide the following four automation services:
 - Jail Roster/Release Tracking, which will compile and research federal, state, and local jail rosters.
 - Automated NCIC Warrants, which will create a warrant record that can be uploaded directly to the NCIC using criminal history and immigration status search results.
 - Criminal Alien Tracking, which will track the location of criminal aliens after they have been apprehended by LEAs, before being taken into ICE custody.
 - Integrated Case Management, which will collect the responses for criminal and immigration status information and submit them as leads.
 - ICE plans to release the request for proposals for the SDS contract in Q4 FY 2009 and to begin the development of the SDS system in Q1 FY 2010. Further developments and requirements will be determined based on the testing and resources available.

Figure 3.3 illustrates the milestones for planned research and analysis automation efforts.

Figure 3.3 – Research and Analysis Automation Milestones



B. ICE Programs and Operations

While Interoperability significantly enhances ICE's ability to identify criminal aliens, ICE also achieves this objective through the following programs and operations, which have contributed to the identification and removal of 35,050 criminal aliens in Q3 FY 2009:

- CAP
- NFOP/Fugitive Operations Team
- Criminal Investigations
- ICE ACCESS and the 287(g) Program

CAP

CAP focuses on identifying criminal aliens who are incarcerated within federal, state, and local facilities. CAP teams perform steady state and surge operations to identify all removable criminal aliens at targeted facilities in order to issue detainers and initiate removal proceedings. These efforts prevent the release of criminal aliens into the community by securing a final order of removal before the completion of a sentence, which reduces the number of criminal aliens ICE must detain upon expiration of their sentence until a final order of removal could be issued. During Q3 FY 2009, [b2 high, b7e] was added for a total of [b2 high, b7e] operational CAP teams.

For CAP, ICE has obligated \$123.1 million as of June 30, 2009, toward its \$172.3 million FY 2009 obligation plan.

During Q3 FY 2009, the following progress and results were achieved:

- DRO hired [b2 high, b7e] full-time equivalents (FTEs), resulting in [b2 high, b7e] personnel hired toward the goal of [b2 high, b7e] in FY 2009.
- During Q3 FY 2009, CAP teams performed four surge operations, resulting in the issuance of 3,599 detainers. These operations were conducted in the following AORs: Dallas Field Office (Denton County Jail), Newark Field Office (Hudson County Jail), Houston Field Office (throughout), and Los Angeles Field Office (Pitchess Detention Center). There have been a total of 12 surge operations in FY 2009, resulting in the issuance of 5,467 detainers.
- Of the 61,973 apprehensions made during Q3 FY 2009, nearly 30 percent were criminal aliens.
- CAP issued more than 61,000 charging documents during Q3 FY 2009; there were 16,354 criminal alien removals, for a total of 46,159 criminal aliens removed in FY 2009.

For Q4 FY 2009, ICE will report on a cost value analysis of CAP enforcement activities.

NFOP/Fugitive Operations Teams

Fugitive Operations Teams identify and apprehend criminal aliens who receive removal orders but fail to comply. Fugitive Operations Teams give top priority to cases involving criminal aliens who pose a threat to national security and community safety, including members of transnational street gangs, child sex offenders, and those with prior convictions for violent crimes.

At the beginning of FY 2009, ICE projected that only 16 percent of Fugitive Operations' base appropriation would be allocated to criminal alien enforcement, based on the ratio of total fugitive operations arrests that involved criminal aliens during FY 2008. As a result of improved prioritization of their case load, the percentage of total fugitive operations arrests of criminal

aliens rose dramatically to 40 percent for the 1-year period ending on June 30, 2009. As a result, ICE is now allocating 40 percent of the \$123.455 million in total obligations made within the fugitive operations appropriation toward criminal alien enforcement, resulting in an allocation to date of \$37 million and an annual allocation of \$49.4 million. This amount already exceeds the FY 2009 plan of \$36.2 million with only Q4 remaining during the fiscal year.

During Q3 FY 2009, the following progress and results were achieved:

- ~~2~~ ^{high, b7c} additional teams were funded and ~~1~~ ^{high, b7c} teams were added, resulting in a total of ~~12~~ ^{high, b7c} teams deployed.
- 170 operations were conducted, which led to the apprehension of 6,068 fugitive aliens, of which 53 percent were criminal aliens. The total number of criminal aliens apprehended in FY 2009 at the end of Q3 FY 2009 was 8,338.
- 2,937 fugitive criminal aliens were removed as a result of fugitive operations efforts, for a total of 8,166 fugitive criminal aliens removed in FY 2009 at the end of Q3.

For Q4 FY 2009, ICE will report on a cost value analysis of Fugitive Operations enforcement activities.

Criminal Investigations

ICE conducts investigations to identify and remove criminal aliens who are no longer incarcerated and have rejoined criminal organizations. ICE estimates that 89 percent of its gang investigations are focused on aliens who have prior criminal records. In cases where new charges are filed against these criminal aliens, ICE partners with LEAs to obtain new convictions before their removal. In cases where convictions lead to criminal incarcerations, ICE removes the aliens only after they have served their criminal sentences. From October 2008 through June 2009, criminal investigations have resulted in 4,247 criminal convictions against aliens engaged in transnational criminal activity.

For criminal investigations, ICE has obligated \$66.02 million as of June 30, 2009, toward its \$80 million FY 2009 obligation plan.

For Q4 FY 2009, ICE will report on a cost value analysis of Criminal Investigations enforcement activities.

ICE ACCESS and 287(g) Program

ICE developed the ACCESS Program to provide state and local LEAs with the ability to work with ICE to combat immigration violations in their jurisdictions. The 287(g) Program, one of several ICE ACCESS initiatives, is a state and local office cross-designation program authorized by Section 287(g) of the Immigration and Nationality Act (INA). It provides LEA officers with the necessary delegation of authority, training, and resources to enforce immigration laws. Through the 287(g) Program, LEAs are able to serve as a force multiplier for ICE and enhance efforts to identify criminal aliens. Since its inception, the program has established 66 partnership agreements with state and local law enforcement.

For the 287(g) Program, ICE has obligated \$36.2 million as of June 30, 2009, toward its \$54.1 million FY 2009 obligation plan.

During Q3 FY 2009, the following progress and results were achieved:

- During Q3 FY 2009, the 287(g) Program trained 37 officers, for a total of 1,018 trained officers.
- 15,959 foreign nationals were identified for potential removal from the United States, of which 4,537 were identified as criminal aliens.
- The 287(g) Program identified 441 ICE fugitives and determined 368 foreign nationals to be aggravated felons pursuant to the INA of 1996, as amended.
- 14,647 charging documents were issued; there were 1,704 criminal alien removals.

For Q4 FY 2009, ICE will report on a cost value analysis of 287(g) enforcement activities.