



**OCT 25 2012**

Ms. Jacqueline Stevens  
Department of Political Science  
Northwestern University  
601 University Place  
Evanston, IL 60308

Subject: Freedom of Information Act Request No. 2012-180 – Final Response

Dear Ms. Stevens:

This responds to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated September 25, 2012, and seeking supporting documents used for the report OIG-11-81 “Supervision of Aliens Commiserate with Risk” (copy attached for reference). Specifically, your request sought information from 47 alien files used in the report to include: (1) the I-213 arrest reports; (2) the Notice to Appear (NTA); and (3) information about their current custody status as indicated in the EARM. Your request was received in this office on September 25, 2012.

DHS-OIG conducts independent investigations, audits, inspections, and special reviews of DHS personnel, programs, and operations to detect and deter waste, fraud, and abuse, and to promote integrity, economy, and efficiency within DHS. In response to your request, DHS-OIG contacted U.S. Immigration and Customs Enforcement (ICE) regarding the requested information. ICE responded that, absent the explicit consent of the 47 individuals, ICE cannot release the individual’s NTA, documents containing the individual’s criminal history, or documents containing the individual’s current status.

A search, however, of the DHS-OIG’s Office of Audits was also conducted. Enclosed are 17 pages of records responsive to your request. Included are 10 pages of spreadsheet, and 7 pages of audit work papers used in the above-referenced report. Those pages were reviewed by DHS-OIG, in consultation with ICE, to determine what information could be disclosed publicly. Based on that review, this office is providing the following:

- \_\_\_\_\_ page(s) are being released in full (RIF);
- 17 page(s) are being released in part (RIP);
- \_\_\_\_\_ page(s) are withheld in full (WIF);
- \_\_\_\_\_ page(s) are duplicate copies of material already processed;
- \_\_\_\_\_ page(s) are non-responsive to your request and therefore withheld in full;
- \_\_\_\_\_ page(s) were referred to another entity.

The exemptions cited for withholding records or portions of records are marked below.

| Freedom of Information Act, 5 U.S.C. § 552 |   |  | Privacy Act,<br>5 U.S.C. § 552a     |
|--|---|--|-------------------------------------|
| <input type="checkbox"/> 552(b)(1)         | <input type="checkbox"/> 552(b)(4)            | <input type="checkbox"/> 552(b)(7)(B)            | <input type="checkbox"/> 552a(j)(2) |
| <input type="checkbox"/> 552(b)(2)         | <input checked="" type="checkbox"/> 552(b)(5) | <input checked="" type="checkbox"/> 552(b)(7)(C) | <input type="checkbox"/> 552a(k)(2) |
| <input type="checkbox"/> 552(b)(3)         | <input checked="" type="checkbox"/> 552(b)(6) | <input type="checkbox"/> 552(b)(7)(D)            | <input type="checkbox"/> 552a(k)(5) |
|  | <input type="checkbox"/> 552(b)(7)(A)         | <input checked="" type="checkbox"/> 552(b)(7)(E) | <input type="checkbox"/> Other:     |

OIG redacted from the enclosed documents, names and identifying information of third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the PA. That information is also protected from disclosure pursuant to Exemptions 6 and 7(C) of the FOIA.

**Exemption 5, 5 U.S.C. § 552(b)(5)**

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” *See* 5 U.S.C. § 552(b)(5). DHS-OIG is invoking the deliberative process privilege of Exemption 5 to protect information that falls within that privilege’s domain.

**Exemption 6, 5 U.S.C. § 552(b)(6)**

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” *See* 5 U.S.C. § 552(b)(6)(emphasis added). DHS-OIG is invoking Exemption 6 to protect the names and initials of lower level employees, non-agency employees, and private citizens. In addition, pursuant to a previous consultation with the ICE FOIA unit, DHS-OIG was directed to invoke Exemption (b)(6) for Alien Registration numbers.

**Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)**

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes...[if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” *See* 5 U.S.C. § 552(b)(7)(C). The DHS-OIG is invoking Exemption 7(C) to protect: the identities of Special Agents, investigative assistants, third parties mentioned or referenced during the conduct of the investigation, and any information that could reasonably be expected to identify such individuals.

**Exemption 7(E), 5 U.S.C. § 552(b)(7)(E)**

Exemption 7(E) protects all law enforcement information that “would disclose techniques and procedures for law enforcement investigation or prosecution, or would disclose guidelines for law enforcement investigations or prosecution if such disclosure could reasonably be expected to risk circumvention of the law.” *See* 5 U.S.C. § 552(b)(7)(E).

DHS-OIG is withholding from disclosure specific information which could reasonably be expected to risk circumvention of the law.

### Appeal

You have the right to appeal this response. Your appeal must be in writing and received within 60 days of the date of this response. Please address any appeal to:

FOIA/PA Appeals Unit  
DHS/Inspector General  
STOP 2600  
245 Murray Drive, SW, Building 410  
Washington, DC 20528

Both the envelope and letter of appeal must be clearly marked, "Freedom of Information Act/Privacy Act Appeal." Your appeal letter must also clearly identify the DHS-OIG's response. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.9.

Also, because DHS-OIG consulted with ICE regarding this release, you have the right to appeal ICE's determination. Should you wish to do so, send your appeal and a copy of this letter to:

U.S. Immigration Customs Enforcement  
Office of Principal Legal Advisor  
U.S. Department of Homeland Security  
Freedom of Information Office  
500 12<sup>th</sup> Street, S.W., Stop 5009  
Washington, D.C. 20536-5009

Follow the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your appeal must be received within 60 days of the date of this letter. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email that entity at [ogis@nara.gov](mailto:ogis@nara.gov) or call 877-684-6448.

If you have any questions about this response please contact Nikki Gramian, FOIA/PA Disclosure Specialist, at 202-254-4001.

Sincerely,



Katherine R. Gallo

Assistant Counsel to the Inspector General

Requester's Name: Ms. Jacqueline Stevens

FOIA/PA NO.: 2012-180

17 PAGE(S) OF DOCUMENT(S)

RELEASED IN PART (RIP)

EXEMPTIONS CITED

(b)(5) (b)(6) (b)(7)(C) (b)(7)(E)

**United States Department of Homeland Security  
Review of Immigration & Custom Enforcement (ICE)  
Supervision of Aliens Commensurate with Risk  
10-092-AUD-ICE**

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**Interview with ICE Office of Investigations (OI) [REDACTED]**

|                                |   |
|--------------------------------|---|
| <b>Purpose:</b>                | (1) To review [REDACTED] with [REDACTED]. (2) To ask general questions regarding the custody decision making processes at ICE OI.   |
| <b>Source:</b>                 | Meeting notes from interview with [REDACTED]  |
| <b>Scope/Methodology:</b>      | Summarized and reached conclusions from meeting notes and policy memoranda.   |
| <b>Participants:</b>           | <ol style="list-style-type: none"> <li>1. [REDACTED], Audit Lead, Denver Field Office: [REDACTED]</li> <li>2. [REDACTED], Chicago Field Office: [REDACTED]</li> <li>3. [REDACTED], Chicago Field Office: [REDACTED]</li> <li>4. [REDACTED], ICE OI [REDACTED].</li> </ol> |
| <b>Date / Time / Location:</b> | April 15, 2010 10am CST [REDACTED], IL Suite [REDACTED].  |

b6, 7C

b6, 7C

b6

7C

**Attachments to this work paper:**

[C.1.13](#) ICE's Definition of Gang Member, Gang Associate, and Collateral Arrest

**Conclusion:**

- Agent [REDACTED] discussed that [REDACTED]. From [REDACTED] perspective, [REDACTED]. Gang members are violent members of the community, pose a danger to the public, and studies have shown cause 60-80 of the crime (including drugs). [REDACTED] discussed that [REDACTED].

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b5

[REDACTED]. See work paper [C.1.11](#).

- When asked what [REDACTED] on recognizance, [REDACTED] discussed hearing [REDACTED]. This seems to confirm what we also heard from ICE DRO Supervisory Detention and Deportation [REDACTED]. See work paper [C.1.11](#).

|   |
|---|
| Prepared by: [REDACTED]<br>Date: April 20, 2010 |
|---|

**United States Department of Homeland Security  
Review of Immigration & Custom Enforcement (ICE)  
Supervision of Aliens Commensurate with Risk  
10-092-AUD-ICE**

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**Summary:**

██████████ was recently ██████████ has followed gang activity ██████████ for many years and ██████████ subject matter. ██████████ is the ██████████ in this unit; his ██████████

b6, 7C

Case file review with ██████████

b6, 7C

The OIG had questions regarding the case file below. We reviewed the file with ██████████ whose response is in blue. [C.1.PS](#)

██████████ - Deported. Level 3 detainees (MS13 Gang member) picked up in “Gang Surge”. Multiple disciplinary actions in detention. What ██████████

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██████████ Does ██████████? ██████████ first mentioned that this individual is not actually an MS13 gang member, but is still a gang member nonetheless. The subject was picked up during ICE OI’s Operation Community Shield, which involves targeting gang members ██████████; in this case from ██████████ discussed that unless there is a conviction, subjects are often released. From ██████████ perspective, ██████████

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██████████ discussed that ██████████ This appears ██████████ See work paper [C.1.11](#), [C.1.11](#)

**“Revolving Door” - Picking up aliens that have already been released by ICE DRO**

██████████ confirmed that ██████████ often encounters / arrests individuals who have already been in ICE DRO custody, and have been released on recognizance. ██████████ added that ██████████ crimes are committed by alleged gang members. ██████████ added that sometimes it appears ██████████ custody. By checking ██████████, as well as ██████████ ICE DRO would better be able to identify gang members in custody.

Prepared by: Andrew ██████████  
Date: April 20, 2010

**United States Department of Homeland Security  
Review of Immigration & Custom Enforcement (ICE)  
Supervision of Aliens Commensurate with Risk  
10-092-AUD-ICE**

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[Auditor's Note: *This appears to be* [redacted] Auditor [redacted] contacted [redacted] on [redacted] to identify whether subjects with a gang affiliation have been released on recognizance by ICE, and if so, what type of additional crimes have they committed. [redacted]

[redacted] discussed there [redacted] For instance, [redacted] or [redacted] plus [redacted] both identify gang members using ICE's guidance. [C.1.13](#) [redacted] discussed the importance of this guidance, because gang members [redacted] ICE OI. This is in [redacted] discussed. [redacted] stated that [redacted] See work paper [C.1.20](#) [redacted] noted that [redacted] ", and may not [redacted]

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b5, 7E

b6, 7C

**Why [redacted] ?**

When asked what ICE DRO decisions may have occurred 1.5 to 2 years ago that would have [redacted], [redacted] discussed hearing [redacted] He learned this information from [redacted] not provide any specific names. This seems to confirm what we also [redacted] See work paper [C.1.11](#)

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**Other Items**

[redacted] only [redacted] or those [redacted]. DRO has the opportunity to [redacted] but they do not communicate changes to ICE OI.

It is often difficult to find [redacted] provided an example of an individual [redacted]

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b5

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Prepared by: [redacted]  
Date: April 20, 2010

b6

**United States Department of Homeland Security  
Review of Immigration & Custom Enforcement (ICE)  
Supervision of Aliens Commensurate with Risk  
10-092-AUD-ICE**

|                           |   |        |
|---------------------------|---|--------|
| <b>Purpose:</b>           | <ol style="list-style-type: none"> <li>1. To review the [REDACTED]</li> <li>2. To review [REDACTED]</li> </ol>  | b5     |
| <b>Source:</b>            | <p><b>C.1.21</b> - [REDACTED] Office of Investigations List of Aliens apprehended during the FY 2009 Gang Surge part of Operation Community Shield. Document was received on April 22, 2010 from [REDACTED] Agent in Charge [REDACTED] Office, [REDACTED]</p> <p><b>C.1.12</b> - Interview with [REDACTED] ICE O [REDACTED] on [REDACTED] 2010.</p> <p><b>C.1.22</b> - ICE Press release from October 15, 2009 regarding the FY 2009 nationwide gang operations and arrests.</p>  | b6, 7C |
| <b>Scope/Methodology:</b> | <p>The OIG obtained a list from [REDACTED] Office of Investigations of 56 individuals arrested or identified during the FY 2009 Gang Surge Operation in [REDACTED] and the surrounding areas. The OIG reviewed these 56 files in EARM to determine if [REDACTED] Office of Investigations and if ICE DRO overturned initial recommendations made by [REDACTED] Office of Investigations. For each case, we determined whether DRO officers detained aliens who were subject to mandatory detention, posed a threat to the public, or were likely to abscond or whether DRO officers released aliens with supervision that was commensurate with the risk they posed. The OIG reviewed 52 files of the 56 case files as 4 case files did not have alien identification numbers. Three case files were chosen where additional information was requested.</p> | b5     |

**Conclusion:**

I found [REDACTED]

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We reviewed 52 gang member arrests during the Gang Surge Operation in 2009. Upon arrest, OI turned the alien gang members over to DRO custody for removal. For each case, we determined whether DRO overturned OI's initial custody recommendations and released the aliens. Of the 52 arrests, 47 (90%) aliens were subject to mandatory detention or ICE detained them because they posed a danger to the public **SRP 06/14/09**. OI recommended that DRO release three (6%)

**United States Department of Homeland Security  
Review of Immigration & Custom Enforcement (ICE)  
Supervision of Aliens Commensurate with Risk  
10-092-AUD-ICE**

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aliens because they were juveniles (2) or participating in an ongoing OI investigation (1) **SRP 06/14/09** . The remaining two (4%) aliens were incarcerated in federal prisons or local jails **SRP 06/14/09** . We did not identify cases where DRO overturned OI's initial custody recommendations. However, we determined that Immigration Judges later released six of the aliens from detention and DRO released one into an ATD program **SRP 06/14/09** .

Overall, [REDACTED] OI office has been successful in recommending and having aliens detained who they apprehend during their Gang Surge Operation that they feel pose a risk to the community. I found that 33 case files indicated that the individual was subject to mandatory detention and 14 case files indicated that the custody decision was discretionary. Further review of this area in other locations is not necessary.

Details:

As we learned during an interview on [REDACTED] 2010 with [REDACTED], from Office of Investigations (OI), Public Safety Unit, every year [REDACTED]

b6, 7C

[REDACTED] to arrest, prosecute, imprison and/or deport transnational gang members. In addition to [REDACTED]

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[REDACTED] [C.1.22 See page 2/3](#) **SRP 06/11/10** In FY 2009, ICE arrested 1,785 gang members as part of a six-month intensive ICE-led law enforcement operation executed in 89 cities across the country, including [REDACTED] and its surrounding areas. [C.1.22 See page 1/3](#) **SRP 06/11/10** Added by **SRP 06/11/10**: According to OI, violent transnational criminal street gangs represent at threat to public safety on neighborhoods across the United States [C.1.25](#)

During that interview, [REDACTED] explained that OI has the responsibility of recommending if the aliens they apprehend should be released or detained before transferring custody to the Office of Detention and Removal (DRO). (See [C.1.12](#)) [REDACTED] further explained that OI believes [REDACTED]

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[REDACTED] Based upon this initial interview, we decided to review case files of aliens apprehended during the 2009 Gang Surge Operation. We wished to review [REDACTED]

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[REDACTED] . We also wanted to [REDACTED]

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We requested from Chicago OI a list of individuals apprehended in Chicago during the 2009 surge. We began with this sample in Chicago as it was [REDACTED] that indicated a [REDACTED]

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[REDACTED] we would expand the sample to other areas. We requested [REDACTED]

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[REDACTED] Operation Community Shield ends on September 30, 2009.

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**United States Department of Homeland Security  
Review of Immigration & Custom Enforcement (ICE)  
Supervision of Aliens Commensurate with Risk  
10-092-AUD-ICE**

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C.1.PRG **SRP 06/14/09**

I obtained a list of 56 individuals arrested or identified during the 2009 Gang Surge Operation in [REDACTED]. I reviewed 52 files C.1.21 Cell N92 of the 56 case files given to me on a list by [REDACTED] Office of Investigations. For each case, I determined whether DRO officers detained aliens who

[REDACTED] here were 4 case files I was not able to review as they did not have alien identification numbers. C.1.21 Cell N69 **SRP 06/14/09** [REDACTED] According to [REDACTED] OI office these files I was unable to review were individuals who were incarcerated and ICE lodged a detainer but an A-file was not created or no charges were made by ICE so an A-file was not created.

[REDACTED] ) In addition, 2 case files I reviewed indicated that these individuals are incarcerated; therefore neither OI nor ICE DRO ever made a custody decision as the individuals have never been in ICE custody. C.1.21 Cell N68 ( [REDACTED] ) **SRP 06/14/09**

From my review of the remaining 50 case files, I found that 47 of the case files indicated that the alien had been detained initially. Of these files, 33 were instances where detention was mandatory due to criminal history or that the individual had signed a stipulated order of removal ( [REDACTED] [REDACTED] [REDACTED] ) **SRP 06/14/09**

Two case files were released individuals as the individuals were juveniles and these individuals were both released on an Order of Recognizance (OR) [REDACTED] C.1.21 Cell N66 **SRP 06/14/09** [REDACTED] C.1.21 Cell N98 **SRP 06/14/09** The remaining case files (14) were discretionary detention C.1.21 Cell N67. **SRP 06/14/09** There were 6 cases where the custody decision had been changed by an Immigration Judge and the alien released and one case where the individual was released by DRO and placed into an ATD program; these cases included both mandatory and discretionary detention case files. **SRP 06/14/09**

I found only three cases where I desired additional information from ICE regarding their custody decision specifically relating to release, as indicated below:

1. [REDACTED] - It appears subject signed a stipulated order of removal but was released on an OR on [REDACTED]. From my understanding generally those [REDACTED] Additional information regarding [REDACTED] Per [REDACTED] Director, [REDACTED] DRO, alien was released pending a further investigation being currently performed by OI.

2. [REDACTED] - When I looked at this individual it appears that [REDACTED] Additional information would be beneficial to understand [REDACTED]

**United States Department of Homeland Security  
Review of Immigration & Custom Enforcement (ICE)  
Supervision of Aliens Commensurate with Risk  
10-092-AUD-ICE**

[REDACTED]. Per [REDACTED] Director, [REDACTED] DRO, alien was released as [REDACTED] did not have criminal history which mandated detention, but was placed into ATD as officers felt more supervision was necessary.

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3. [REDACTED] - Subject is a juvenile. EARM indicates that there was no [REDACTED] available therefore subject was released on OR. Additional information is needed to [REDACTED]

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[REDACTED] . Per [REDACTED] Director, [REDACTED] DRO, alien was released [REDACTED]

Overall we found that of the 52 arrests, 47 (90%) aliens were subject to mandatory detention or ICE detained them because they posed a danger to the public **SRP 06/14/09** [C.1.21 Cells N103 and N105](#). OI recommended that DRO release three (6%) aliens because they were juveniles (2) or participating in an ongoing OI investigation (1) **SRP 06/14/09**. [C.1.21 Cells N96, N98 and N106, N107](#) The remaining two (4%) aliens were incarcerated in federal prisons or local jails **SRP 06/14/09**. [C.1.21 Cells N99 and N108](#) We did not identify cases where DRO overturned OI's initial custody recommendations. However, we determined that Immigration Judges later released six of the aliens from detention [C.1.21 Cells J32, J33, J56, J57, J58, J59](#) and DRO released one into an ATD program [C.1.21 Row 60, Cell J60](#) **SRP 06/14/09**.

| Reviewed By                | Date Review | Last Name | First Name    | Alien Number  | NCIC Codes   | NCIC Description  | Gang Affiliation | Action Taken | Comments   | File Review Necessary | Why Detained?   | Mandatory Detention?   |                                     |  |  |
|----------------------------|-------------|-----------|---------------|---------------|--------------|---|------------------|--------------|--|-----------------------|---|------------------------|-------------------------------------|--|--|
| <b>Mandatory Detention</b> |             |           | <b>b6, 7C</b> | <b>b6, 7C</b> | <b>b6,7C</b> |   |                  |              | <b>b6, 7C for info redacted with dashes highlighted in red font</b>  |                       |   |                        |                                     |  |  |
|                            | 4/22/2010   |           |               |               | None         | Traffic violations.   | Sureno13         | Detain       | Subject had an order of removal and deported in ----. Subject was picked up again during the Gang Surge and was deported -/-/----. Subject was picked up again on -/-/---- and ordered removed. Status is not known from EARM. | N                     | Subject's prior order of removal is put into effect and is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2)                                    | Y                      | Agree with ICE's detention decision |  |  |
|                            |             |           |               |               |              |   |                  |              |  |                       | Removal Period = 1  | Mandatory Detention= 1 | 1                                   |  |  |
|                            | 4/22/2010   |           |               |               | None         | Encounter lists drug paraphenalia, domestic battery and possession of cannabis.         | Sureno13         | Detain       | Signed a stipulated order of removal. Departed -/-/----.   | N                     | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y                      | Agree with ICE's detention decision |  |  |
|                            | 4/22/2010   |           |               |               | None         | Encounter lists possession of a firearm.  | Latin King       | Detain       | Signed a stipulated order of removal. Departed -/-/----.   | N                     | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y                      | Agree with ICE's detention decision |  |  |
|                            | 4/22/2010   |           |               |               | None         | Encounter lists possession of a firearm and contributing to the delinquency of a minor. | Latin King       | Detain       | Signed a stipulated order of removal. Departed -/-/----.   | N                     | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y                      | Agree with ICE's detention decision |  |  |
|                            | 4/22/2010   |           |               |               | None         | Encounter lists possession of cannabis.   | Latin King       | Detain       | Signed a stipulated order of removal. Departed -/-/----.   | N                     | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y                      | Agree with ICE's detention decision |  |  |

|           |      |   |            |        |   |   |   |   |                                     |  |  |
|-----------|------|---|------------|--------|---|---|---|---|-------------------------------------|--|--|
| 4/22/2010 | None | Encounter lists possession of cannabis.     |            | Detain | Signed a stipulated order of removal. Deported -/-/-----.   | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 |      | Weapon offense and multiple others listed.  | Latin King | Detain | Signed a stipulated order of removal. Deported -/-/-----.   | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 |      | Damage to private property.                 | Sureno13   | Detain | Signed a stipulated order of removal. Deported -/-/-----.   | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 |      | Aggravated Assault - non-family - strongarm | Latin King | Detain | Signed a stipulated order of removal. Deported -/-/-----. Picked up again on -/-/----- by the Gang Unit. Sent to US Marshals -/-/-----. | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 |      | Larceny and resisting arrest.               | Latin King | Detain | Signed a stipulated order of removal. Deported -/-/-----.   | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None |   | Latin King | Detain | Signed a stipulated order of removal. Deported -/-/-----.   | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |

|           |      |  |   |                   |        |   |   |   |   |                                     |  |  |
|-----------|------|--|---|-------------------|--------|---|---|---|---|-------------------------------------|--|--|
| 4/22/2010 |      |  | Heroin possession and burglary.   | Imperial Gangster | Detain | Signed a stipulated order of removal. Deported -/-/-----. | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None |  | Encounter lists possession of cannabis and burglary of a car.   | Sureno13          | Detain | Signed a stipulated order of removal. Deported -/-/-----. | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None |  | Encounter lists possession of drug paraphernalia, discharge of a firearm and possession of a firearm and theft. | Sureno13          | Detain | Signed a stipulated order of removal. Deported -/-/-----. | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None |  | Criminal sexual assault   | Sureno13          | Detain | Signed a stipulated order of removal. Deported -/-/-----. | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None |  | Encounter lists drug possession and burglary.   | Sureno13          | Detain | Signed a stipulated order of removal. Deported -/-/-----. | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None |  | Encounter lists Defacement of Property and damage to property.  | Latin King        | Detain | Signed a stipulated order of removal. Deported -/-/-----. | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |

|           |      |  |                  |        |  |   |   |   |                                     |  |  |
|-----------|------|--|------------------|--------|--|---|---|---|-------------------------------------|--|--|
| 4/22/2010 | None | Encounter lists Trespassing, criminal damage to property and mob action. | Latin King       | Detain | Signed a stipulated order of removal. Deported -/-/----. | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None | Encounter lists Possession of a controlled substance.                    | Sureno13         | Detain | Signed a stipulated order of removal. Deported -/-/----. | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None | Encounter lists possession of cannabis.                                  | Latin King       | Detain | Signed a stipulated order of removal. Deported -/-/----. | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None | Encounter lists unlicensed driver.                                       | Mara Salvatrucha | Detain | Signed a stipulated order of removal. Deported -/-/----. | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None | Encounter lists disorderly conduct and possession of alcohol by a minor  | Sureno13         | Detain | Signed a stipulated order of removal. Deported -/-/----. | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None | Encounter lists damage to property and unlawful use of a weapon.         | Spanish Gangste  | Detain | Signed a stipulated order of removal. Deported -/-/----. | N | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y | Agree with ICE's detention decision |  |  |

|           |  |      |   |                   |        |   |        |   |                          |                                     |  |  |
|-----------|--|------|---|-------------------|--------|---|--------|---|--------------------------|-------------------------------------|--|--|
| 4/22/2010 |  | None | Possession of cannabis, burglary, disorderly conduct.   | Spanish Gangste   | Detain | Signed a stipulated order of removal. Deported -/-/-----.   | N      | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y                        | Agree with ICE's detention decision |  |  |
| 4/22/2010 |  |      | Shoplifting   | Sureno13          | Detain | Signed a stipulated order of removal. Deported -/-/-----.   | N      | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y                        | Agree with ICE's detention decision |  |  |
| 4/22/2010 |  |      | Assault, resisting arrest.  | Mara Salvatrucha  | Detain | Signed a stipulated order of removal. Deported -/-/-----.   | N      | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y                        | Agree with ICE's detention decision |  |  |
| 4/22/2010 |  | None |   | Imperial Gangster | Detain | Subject was initially detained as subject signed a stipulated order or removal. IJ changed custody from Detained to Bond. Subject was arrested on -/-/----- for drug possession and appears to be in ICE Custody. | N      | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y                        | Agree with ICE's detention decision |  |  |
| 4/22/2010 |  | None | Encounter lists possession of drug paraphernalia, disobey police order, theft, possession liquor by minor, criminal trespass, possess cannabis and assault. | Latin King        | Detain | Subject was initially detained as ----- signed a stipulated order of removal, which was rescinded. Subject was bonded out by IJ on -/-/-----. Subjects case is still active. Next call up is -/-/-----.           | N      | Stipulated order of Removal is defined under 8 CFR 3.25(b) and INA 240D, therefore subject is in removal period INA 241(a)(1)(B) and should be detained per INA 241(a)(2) | Y                        | Agree with ICE's detention decision |  |  |
|           |  |      |   |                   |        |   | C.1.PS | Stipulated Order of Removal = 27  | Mandatory Detention = 27 | 27                                  |  |  |
| 4/22/2010 |  |      | Dangerous Drugs   | Sureno13          | Detain | Deported -/-/-----.   | N      | Subject to detention under various crimes listed under INA 212(a)(2), drugs.  | Y                        | Agree with ICE's detention decision |  |  |
| 4/22/2010 |  |      | Marijuana - Sell  | Sureno13          | Detain | Deported -/-/-----.   | N      | Subject to detention under various crimes listed under INA 212(a)(2), drugs.  | Y                        | Agree with ICE's detention decision |  |  |



|           |      |  |            |        |   |   |   |   |                                     |  |  |
|-----------|------|--|------------|--------|---|---|---|---|-------------------------------------|--|--|
| 4/22/2010 | None | Encounter lists Possession of Drug Paraphernalia, Criminal Defacement of Property and Mob Action   | Sureno13   | Detain | Deported -/-/----.  | N | Subject may be held in detention pending removal proceedings per INA 236(a) and is considered threat to the community due to his association with a violent organization. | N | Agree with ICE's detention decision |  |  |
| 4/22/2010 |      | Traffic Offense, Encounter lists arrests for child endangerment, drug possession and bail jumping. | Sureno13   | Detain | Subject had a prior order of removal from being picked up during the ---- gang surge. Subject deported -/-/----. Deported /-/-/----.  | N | Subject may be held in detention pending removal proceedings per INA 236(a) and is considered threat to the community due to his association with a violent organization. | N | Agree with ICE's detention decision |  |  |
| 4/22/2010 |      | Marijuana possession, trespassing and resisting arrest.  | Sureno13   | Detain | Subject was order a VD and became a fugitive in ----. Subject was then picked up by the Gang unit in ---- during the surge and was released on an order or supervision. Subject was encounter in ---- in ----- Jail and a detainer was placed. Subject deported -/-/----. | N | Subject may be held in detention pending removal proceedings per INA 236(a) and is considered threat to the community due to his association with a violent organization. | N | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None | Encounter lists defacement of property.  | Latin King | Detain | Alien deported -/-/----.  | N | Subject may be held in detention pending removal proceedings per INA 236(a) and is considered threat to the community due to his association with a violent organization. | N | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None | Encounter lists Criminal Trespass to Vehicle, DUI, and possession of cannabis.                     | Sureno13   | Detain | Subject in an out of ICE custody while ---- was facing criminal charges with other local police departments. Alien deported -/-/----.   | N | Subject may be held in detention pending removal proceedings per INA 236(a) and is considered threat to the community due to his association with a violent organization. | N | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None | Encounter lists possession of cannabis and domestic battery.                                       | Sureno13   | Detain | Subject deported -/-/----.  | N | Subject may be held in detention pending removal proceedings per INA 236(a) and is considered threat to the community due to his association with a violent organization. | N | Agree with ICE's detention decision |  |  |
| 4/22/2010 | None | Encounter lists arrests for theft, burglary and possession of cannabis.                            | Latin King | Detain | Initially detained. IJ changed custody from Detained to Bond.   | N | Subject may be held in detention pending removal proceedings per INA 236(a) and is considered threat to the community due to his association with a violent organization. | N | Agree with ICE's detention decision |  |  |

|                              |           |  |          |  |                   |                   |   |   |   |                              |  |    |  |
|------------------------------|-----------|--|----------|--|-------------------|-------------------|---|---|---|------------------------------|--|----|--|
|                              | 4/22/2010 |  | Multiple | Domestic battery, assault, obstruction of justice, possession of cannabis and possession of a weapon, etc. | Latin Count       | Detain            | Initially detained. IJ changed custody from Detained to Bond.   | N | Subject may be held in detention pending removal proceedings per INA 236(a) and is considered threat to the community due to his association with a violent organization. | N                            | Agree with ICE's detention decision                    |    |  |
|                              | 4/22/2010 |  | None     | Encounter lists possession of cocaine, damage to property, battery, etc.                                   | Spanish Gangste   | Detain            | Initially detained. IJ changed custody from detain to bond. Subject bonded out on -/-/----.   | N | Subject may be held in detention pending removal proceedings per INA 236(a) and is considered threat to the community due to his association with a violent organization. | N                            | Agree with ICE's detention decision                    |    |  |
|                              | 4/22/2010 |  | None     | Encounter lists damage to property.  | Latin King        | Detain            | Initially detained. IJ changed custody from Detained to ATD. Subject is on ISAP on -/-/----.  | N | Subject may be held in detention pending removal proceedings per INA 236(a) and is considered threat to the community due to his association with a violent organization. | N                            | Agree with ICE's detention decision                    |    |  |
|                              | 4/22/2010 |  | None     | Encounter lists criminal sexual assault, possession of cannabis and criminal trespassing.                  | Sureno13          | Detain            | Subject was initially detained and then was placed into an ATD program by ICE DRO a week later. ----is on electronic monitoring. It appears ---- was picked up twice by the OI gang unit. | Y | Subject may be held in detention pending removal proceedings per INA 236(a) and is considered threat to the community due to his association with a violent organization. | N                            | Agree with ICE's detention decision                    |    |  |
|                              |           |  |          |  |                   |                   |   |   | Threat to Community = 14  | Non-Mandatory Detention = 14 | 14   |    |  |
|                              |           |  |          |  |                   |                   |   |   |   |                              |  |    |  |
|                              |           |  |          |  |                   |                   |   |   |   |                              | Total Mandatory and Non-Mandatory Detention Files = 47 | 47 |  |
| <b>Non-Detained</b>          |           |  |          |  |                   |                   |   |   |   |                              |  |    |  |
| Marisa                       | 4/22/2010 |  |          | Assault  | Imperial Gangster | Order of Recogniz | It appears subject signed a stipulated order of removal on -/-/---- but was not detained. Subject was released on an OR on -/-/----. As of -/-/---- subject is listed as a fugitive.      | Y | Subject was released  | N                            | Agree with ICE's detention decision                    |    |  |
|                              |           |  |          |  |                   |                   |   |   | Order of Supervision = 1  | Non-Detained = 1             | 1  |    |  |
| <b>Juvenile Non-Detained</b> |           |  |          |  |                   |                   |   |   |   |                              |  |    |  |

|                     |           |  |          |   |            |                   |   |   |  |                              |   |  |  |
|---------------------|-----------|--|----------|---|------------|-------------------|---|---|--|------------------------------|---|--|--|
|                     | 4/22/2010 |  | None     | Encounter lists mob action.   | Sureno13   | Order of Recogniz | Subject is -----, ----- space was available and subject was released on OR. Subject did not appear in court and was ordered removed. Need to locate subject for removal.  | Y | Subject is -----, since ----- was found initially per ----- subject is to be detained. | N                            |   |  |  |
|                     | 4/22/2010 |  | None     | Encounter lists aggravated battery causing great bodily harm, domestic battery, trespassing, mob action, damage to property, etc. | Latin King | Order of Recogniz | Subject was ----- and was released to ----- on an order of recognizance on --/--/----. Subject is back in ICE custody after being arrested for ----- on --/--/----.   | N | Subject is ----- and since ----- was found per ----- subject is to be released.        | N                            |   | Agree with ICE's detention decision  |  |
|                     |           |  |          |   |            |                   |   |   | Juvenile = 2   | Non-Detained = 2             | 2 |  |  |
|                     |           |  |          |   |            |                   |   |   |  | Total Non-Detained Files = 3 | 3 |  |  |
| <b>Incarcerated</b> |           |  |          |   |            |                   |   |   |  |                              |   |  |  |
|                     | 4/22/2010 |  |          | Discharging a firearm   | Sureno13   | Incarcerated      | An ICE detainer was lodged however there is an incomplete file in EARM because only a detainer was lodged.  | N | Incarcerated   |                              |   | ICE never made custody decision as individual has never been in ICE custody. |  |
|                     | 4/22/2010 |  | Multiple | Sex offense, assault, cocaine, weapon offense, etc.   | Sureno13   | Incarcerated      | Subject was picked up in ---- and was deported in ----. Subject was arrested in ---- for possession of cocaine and possession of a firearm. Subject is incarcerated.  | N | Incarcerated   |                              |   | ICE never made custody decision as individual has never been in ICE custody. |  |
|                     |           |  |          |   |            |                   |   |   | Incarcerated = 2   |                              | 2 |  |  |
|                     | 5/25/2010 |  |          |   |            |                   | Found in the ----- Jail during the operation and an ICE detainer was lodged however there is no relating alien number to this action as an A-file is not created just because a detainer was lodged.                        | N | Incarcerated   |                              |   | ICE never made custody decision as individual has never been in ICE custody. |  |
|                     | 5/25/2010 |  |          |   |            |                   | Subject was arrested on an ----- State misdemeanor possession of cannabis charge – not administrative immigration charges and therefore no alien number was generated during the operation as he remained in local custody. | N | No charges filed.  |                              |   | ICE never made custody decision as individual has never been in ICE custody. |  |



Copy of the  
FOIA Request

**From:** [Jackie Stevens](#)  
**To:** [FOIA\\_OIG](#)  
**Subject:** request for copies of data used in OIG Report "Supervision of Aliens Commensurate,with Risk"  
**Date:** Tuesday, September 25, 2012 2:09:52 PM

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To Whom It May Concern,

The Report "Supervision of Aliens Commensurate with Risk" OIG-11-81 (2012) [http://www.oig.dhs.gov/assets/Mgmt/OIG\\_11-81\\_Dec11.pdf](http://www.oig.dhs.gov/assets/Mgmt/OIG_11-81_Dec11.pdf) references findings from analysts' review of files from 47 aliens apprehended and detained under in 2009 under the Fugitive Operations program (p. 11).

I write to request copies from these 47 files of:

- 1) the I-213 arrest reports;
- 2) the Notices to Appear; and
- 3) information about their current custody status as indicated in the EARM.

I will be using this information for my journalism, scholarship, and teaching, and therefore request a waiver or reduction in all fees.

If you have any questions, please feel free to contact me at 847-467-2093.

Many thanks for your help in this matter.

Sincerely,

Jacqueline Stevens

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