



Congress of the United States
House of Representatives
Washington, DC 20515

September 26, 2017

Mr. Thomas D. Homan
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, D.C. 20536

Dear Mr. Homan:

On March 17, 2016, the Committee on Oversight and Government Reform requested statistics on criminal aliens arrested by U.S. Immigration and Customs Enforcement (ICE) and subsequently released in fiscal year (FY) 2015.¹ We request similar information for FY 2016 and for the first three fiscal quarters (Q1–Q3) of FY 2017, specifically:

1. Documents reflecting the total number of immigration violators encountered and subsequently placed into a non-custodial setting by ICE in FY 2016 and Q1–Q3 of FY 2017, separated by criminal and non-criminal violations;
2. Documents reflecting the categories of criminal convictions associated with criminal aliens placed in a non-custodial setting in FY 2016 and Q1–Q3 of FY 2017;²
3. Documents reflecting the categories of criminal convictions associated with criminal aliens placed in a non-custodial setting in FY 2016 and Q1–Q3 of FY 2017 to comply with the Supreme Court’s ruling in *Zadvydas v. Davis*;³
4. Documents reflecting the number of aliens ICE released from custody in FY 2016 but subsequently arrested, charged, or convicted of any crime;

¹ Letter from Jason Chaffetz, Chairman, H. Comm. on Oversight & Gov’t Reform and Ron DeSantis, Chairman, Subcomm. on Nat’l Security to the Hon. Sarah Saldaña, Director, U.S. Immigration & Customs Enforcement (Mar. 17, 2016).

² The Committee prefers to receive the information for items two, three, and six of the schedule in a format similar to that of *Breakdown of Specific Criminal Convictions Associated with Criminal Aliens Placed in Non-Custodial Setting in Fiscal Year 2014*, available at: <https://judiciary.house.gov/wp-content/uploads/2015/04/fy14-criminal-releases-total-crimes.pdf> (attached).

³ 533 U.S. 678 (2001).

5. Documents reflecting the total number of criminal aliens and non-criminal aliens enrolled in the Alternatives to Detention (ATD) program in FY 2016 and Q1–Q3 of FY 2017, separated by type of monitoring;
6. Documents reflecting the categories of criminal convictions associated with criminal aliens enrolled in the ATD program in FY 2016 and Q1–Q3 of FY 2017, separated by type of monitoring;
7. Documents reflecting the number of individuals enrolled in the ATD program subsequently removed the same year for FY 2013, FY 2014, FY 2015, and FY 2016;
8. Documents reflecting the number of individuals placed on the detained docket subsequently removed the same year for FY 2013, FY 2014, FY 2015, and FY 2016; and,
9. The manner and methodology by which the data were compiled in response to the questions above.

Please provide the information requested as soon as possible but no later than October 10, 2017. Additionally, please provide the Committee with updates on each of the categories of data stated above on a quarterly basis.

When producing documents to the Committee, please deliver production sets to the Majority staff in Room 2157 of the Rayburn House Office Building and the Minority staff in Room 2471 of the Rayburn House Office Building. Please also deliver a production set to the Homeland Security Committee staff in Room 176 of the Ford House Office Building. The Committee prefers, if possible to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request.

Should you have any questions about this request, please have your staff contact Sharon Eshelman of the Oversight and Government Reform Committee staff at 202-225-5074, or Paul Anstine of the Homeland Security Committee staff at 202-226-8417. Thank you for your attention to this matter.

Sincerely,



Trey Gowdy
Chairman
Oversight and Government Reform Committee



Michael T. McCaul
Chairman
Homeland Security Committee



Ron DeSantis
Chairman
Subcommittee on National Security

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cc: The Honorable Elijah E. Cummings, Ranking Member
Committee on Oversight and Government Reform

The Honorable Bennie G. Thompson, Ranking Member
Homeland Security Committee

The Honorable Stephen F. Lynch, Ranking Member
Subcommittee on National Security

Enclosures

Breakdown of the Types of Specific Criminal Convictions Associated with Criminal Aliens Placed in a Non-Custodial Setting in Fiscal Year 2014

The following table provides a breakdown of the types of specific criminal convictions associated with the 30,558 criminal aliens placed in a non-custodial setting in Fiscal Year 2014. Please note that an alien may have more than one criminal conviction. As such, the total number of criminal convictions is greater than the total number of criminal aliens released from ICE custody.

Conviction Category	Number of Convictions
Traffic Offense - Traffic Offense	15,197
Traffic Offense - Driving Under Influence Liquor	13,636
Dangerous Drugs	8,408
Larceny	4,514
Immigration ¹	4,088
Obstructing Judiciary, Congress, Legislature, Etc. ²	3,062
General Crimes ³	2,645
Assault	2,372
Public Peace	2,367
Fraudulent Activities	2,147
Burglary	2,124
Obstructing the Police	1,839
Weapon Offenses	1,589
Assault - Domestic Violence	1,346
Assault - Battery	1,194
Invasion of Privacy	1,183
Stolen Vehicle	1,074
Forgery	1,063
Assault - Aggravated Assault	994
Stolen Property	969
Family Offenses	962
Robbery	734
Sex Offenses (Not Involving Assault or	673

¹ Immigration crimes include "illegal entry," "illegal reentry," "false claim to U.S. citizenship," and "alien smuggling."

² "Obstructing Judiciary& Congress& Legislature& Etc." refers to several related offenses including, but not limited to: Perjury; Contempt; Obstructing Justice; Misconduct; Parole and Probation Violations; and Failure to Appear.

³ "General Crimes" is a National Crime Information Center (NCIC) charge category. Within the category of "General Crimes" are the following offense codes: crimes against person (7099), property crimes (7199), morals-decency crimes (7299), and public order crimes (7399).

Conviction Category	Number of Convictions
Commercialized Sex)	
Damage Property	665
Traffic Offense - Hit and Run	654
Liquor	459
Commercialized Sexual Offenses	449
Health / Safety	379
Traffic Offense - Driving Under Influence Drugs	378
Sexual Assault	373
Assault - Simple Assault	295
Flight / Escape	240
Kidnapping	186
Assault - Intimidation	140
Threat	135
Homicide	86
Arson	56
Conservation	49
Juvenile Offenders	38
Extortion	36
Gambling	34
Homicide - Negligent Manslaughter - Vehicle	34
Smuggling	31
Tax Revenue	27
Embezzlement	26
Obscenity	19
Bribery	17
Homicide - Negligent Manslaughter - Weapon	15
Homicide - Willful Kill - Gun	15
Voluntary - Manslaughter	13
Homicide - Willful Kill - Weapon	10
Homicide - Willful Kill - Non-family - Gun	9
Traffic Offense - Transporting Dangerous Material	4
Homicide - Willful Kill-Family - Gun	2
Homicide - Willful Kill - Family - Weapon	2
Homicide - Willful Kill - Non-family - Weapon	2
Obstructing Criminal Investigation	1
TOTAL	79,059

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.