



Written by [Warren Mass](#) on March 19, 2015

## ICE Releases Additional 30,558 Criminal Aliens in FY 2014

Immigration and Customs Enforcement (ICE) released 30,558 criminal aliens in fiscal year 2014, down somewhat from the previous year.

In an announcement posted on the ICE website on March 18, ICE Director Sarah Saldaña, said:

While this number is down considerably from the 36,007 with criminal convictions released in Fiscal Year 2013, the number — which includes some with felony convictions — still concerns me. Under [DHS] Secretary [Jeh] Johnson's leadership, we have made important reforms and I am determined to continue to take every possible measure to ensure the public's safety and the removal of dangerous criminals.



Saldaña said that overcrowding would no longer be the primary reason for releasing criminal illegal aliens and that all pending cases will now be approved by a high-ranking supervisor.

The *Washington Times* quoted a March 18 statement from Jessica Vaughan, policy director at the Center for Immigration Studies, who expressed serious reservations about Saldaña's proposed solution. "In fact, it's the supervisors who are ordering the releases, and the intent of the supervision is to make sure that officers in the field are not detaining people — not the other way around," Vaughan said. "The problem is most definitely the policies, not the officers. Creating more levels of review and red tape is not going to solve that problem."

Vaughan also offered her explanation for the drop in alien criminals released from 36,000 to 30,000: Immigration agents are arresting and detaining fewer aliens in the first place, because of President Obama's new immigration policies.

In an August 15, 2014 letter to Senator Chuck Grassley (R-Iowa), Thomas Winkowski, principal deputy assistant secretary of ICE, acknowledged that in Fiscal Year 2013 ICE had released 36,007 criminal aliens from custody. The letter admitted that 169 of these had a "homicide-related conviction," and that 131 had been "issued a final order of removal."

Winkowski's letter was sent in reply to a June 9 letter that Grassley had sent to Homeland Security Secretary Jeh Johnson, in which the senator had cited the same figures.

ICE posted a new policy announcement on the agency's webpage on March 18 about its "enhanced oversight and release procedures for custody determinations involving individuals with criminal convictions."



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The announcement included a statement from Saldaña:

Like Secretary Johnson, I am determined to do what we can to improve and reform our immigration system within the confines of existing law. Today's announcement [of "enhanced oversight and release procedures"] is an example of this, and I believe it will enhance public safety and public confidence in our enforcement and administration of the immigration laws.

The announcement listed five such "enhanced policies and procedures" regarding the potential release of illegal aliens with a criminal conviction:

**First:** The release of aliens "convicted of two or more felonies or any single aggravated felony" must "be approved by an Assistant Field Office Director, Deputy Field Office Director, or Field Office Director."

**Second:** "Detention capacity should not be a determinative factor in the release of an individual with a serious criminal record."

**Third:** A panel of senior managers will convene monthly "to review discretionary release decisions for individuals convicted of crimes of violence, to ensure compliance with supervisory approval requirements and identify any inconsistencies in release determinations across the agency."

**Fourth:** "ICE will enhance the supervision of a number of individuals released from custody. This supervision may include enhanced physical and telephonic reporting and other methods of supervision such as use of ICE's Alternatives to Detention Program."

**Fifth:** "ICE will develop a capability to provide appropriate information regarding the release of individuals with criminal convictions to state law enforcement authorities in the relevant jurisdiction."

The announcement also provided ICE's explanation for why it has been releasing so many aliens convicted of crimes, blaming a Supreme Court decision for tying its hands:

In fiscal years 2013 and 2014 the majority of releases of serious criminal offenders were made pursuant to federal court decisions or bond decisions by immigration judges. In a leading court case on immigration detention, *Zadvydas v. Davis*, the Supreme Court ruled that ICE generally could not detain an individual ordered removed in immigration detention beyond six months, unless the individual would be repatriated in the reasonably foreseeable future. This detention limit can be triggered when a country simply refuses to accept repatriation of its national, irrespective of the individual's criminal history.

In a column in the *Tampa Tribune* on March 18, staff writer Tom Jackson pointed out the absurdity of simply releasing these aliens who are convicted criminals so that they will be free to roam among us, and presumably commit more crimes.

Jackson referred to testimony given before a congressional committee last month by Jamiel Shaw, whose son, Jamiel Shaw II, had been murdered in Los Angeles in 2008 by an illegal alien. The alien, Pedro Espinoza, identified as a gang member, had been released after serving half of an eight-month sentence for displaying a firearm in a park and resisting arrest.

During his testimony, the elder Shaw said:

Why was this violent illegal alien allowed to walk the streets of America, instead of being deported? Why was [ICE] not called to pick up this violent invader? We were promised that the federal government would keep us safe from violent illegal aliens.



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Why, indeed.

Jackson offered his own sensible suggestion for how to deal with illegal aliens being released:

The process seems remarkably straightforward: Upon completion of his sentence, our illegal alien ex-con is met at the prison gate by brawny federal agents who whisk him to a depot of international departure, see him safely aboard his conveyance and wish him good luck with their counterparts in his country of origin who are anticipating his arrival.

Perhaps a member of Congress might like Jackson's idea and incorporate it into legislation. Senator Jeff Sessions of Alabama comes to mind!

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