



**U.S. Immigration
and Customs
Enforcement**

October 29, 2018

Albemarle-Charlottesville Regional Jail Authority Board
C/o Diantha McKeel, Chairperson
160 Peregrory Lane
Charlottesville, VA 22902

Re: Release Notifications to ICE

Dear ACRJ Authority Board Members and Chairperson McKeel:

On behalf of U.S. Immigration and Customs Enforcement (ICE), thank you again for the opportunity to participate in the Board's August 23, 2018 work session. ICE regrets that there was considerable misunderstanding amongst several Board members concerning ICE's mission and policies on immigration enforcement in Albemarle and Nelson counties. As noted in my September 12, 2018 letter, ICE remains committed to providing interested Board members with a "behind-the-scenes" view of the agency's operations and would be happy to provide additional information to facilitate the Board's decision-making process on these important matters.

In the interest of the community's safety, ICE was pleased that, following the August work session, the Board voted to continue its longstanding practice of notifying ICE in advance of releasing aliens for whom ICE has established probable cause to arrest and for whom ICE has issued a lawful immigration detainer. The Board's decision demonstrates a practical commitment to public safety. The continuation of this policy will allow the appropriate federal authorities to carry out our Nation's immigration laws, as enacted by Congress, with no unnecessary risk to the women and men in law enforcement.

Notwithstanding, it was brought to ICE's attention that the Board has simultaneously undertaken further review of additional or alternative means to provide release notifications, including the potential use of the third-party Victim Information and Notification Everyday (VINE) web-based portal and has requested input from ICE.

VINE is an important notification tool for victims of crime. In fact, ICE currently utilizes this web-based system to notify victims of changes in custody status for offenders in ICE custody through the U.S. Department of Homeland Security – Victim Information Notification Exchange (DHS-VINE). However, as the vendor for the VINELink system acknowledges, the third-party system is designed for a particular purpose, and the company's own terms of use understandably disclaims its fitness for other purposes.

ICE appreciates the Board's efforts to identify more efficient means to notify ICE when an individual, who is removable under the Nation's immigration laws, is encountered at ACRJ. However, ICE cautions the Board against adopting new policies or procedures that would seek to replace existing and longstanding law enforcement practices that, in Superintendent Kumer's words, place a "de minimus" burden on ACRJ staff.

Put simply, abandoning ACRJ's current policy on this important public safety matter and instead relying on a third-party system—a system that is designed for another purpose and may be susceptible to inadvertent or unforeseen errors (such as where VINELink data does not match names and other biographical information in ICE systems)—would be, for all intents and purposes, a vote to end release notifications.

As the rate of criminal recidivism remains disturbingly high in our communities, an unnecessary vote to actively frustrate ICE's ability to assume custody of offenders in a secure jail setting could have a deleterious effect and needlessly place members of the community at risk for re-victimization. For example, according to a recent study conducted by the U.S. Department of Justice, Bureau of Justice Statistics (BJS), an alarming 83 percent of individuals released from state criminal custody during a nine-year survey period had reoffended, including 68 percent arrested within three years of their release. *See* U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)," May 2018, <https://www.bjs.gov/content/pub/pdf/18upr9yfup0514.pdf>.

The women and men of ICE have a duty to enforce the laws Congress has passed. ICE prioritizes enforcement efforts on those aliens who pose a threat to public safety and/or national security and those who otherwise undermine the integrity of our Nation's immigration system. The aliens identified as being of interest to ICE and detained in ACRJ were arrested by local authorities for violations of state or local laws and were deemed to pose enough of a risk that your local authorities arrested and detained them. A large number of ICE's targeted enforcement actions occur because jurisdictions refused to cooperate with ICE regarding the transfer of custody of removable aliens in a controlled setting—thereby requiring the women and men of ICE to risk their personal safety by conducting operations under more dangerous circumstances.

While a vote to end ACRJ's longstanding and common-sense notification policy may impede ICE's efforts to directly assume custody of individuals in a secure, jail setting, ICE's dedicated law enforcement personnel will continue to leverage the agency's resources and legal authorities to identify, apprehend, and remove dangerous aliens from our Nation's communities.

Sincerely,



Russell Hott
Field Office Director