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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

June 9, 2014

**VIA ELECTRONIC TRANSMISSION**

The Honorable Jeh Johnson  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Johnson:

According to multiple news reports, in 2013, U.S. Immigration and Customs Enforcement (ICE) released from its custody 36,007 immigrants who had been convicted of a crime and were awaiting the outcome of deportation proceedings.<sup>1</sup> This included 116 individuals who had been convicted of homicide, with a total of 193 homicide convictions between them.<sup>2</sup> On May 12, 2014, ICE reportedly claimed that it was required by court decisions to release convicts who accounted for 75% percent of these homicides.<sup>3</sup> Two days later, ICE revised that figure to 72%.<sup>4</sup> So, by its own admission, ICE *voluntarily* released convicted criminal aliens who accounted for the remaining 28% even though it had the discretion to detain them and keep them off the streets. Such a serious breach of public safety requires accountability and answers for the American people.

Accordingly, please provide a case summary for each homicide convict who was released from ICE custody in 2013, including whether the release in question was “mandatory” or discretionary, as follows:

1. For each mandatory release, please provide the name of the judge and court of jurisdiction that ordered the release.

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<sup>1</sup> Stephanie Slifer, “Report: 36 K criminals freed while awaiting deportation,” *CBS News*, May 13, 2014, <http://www.cbsnews.com/news/report-36k-criminals-freed-while-awaiting-deportation/>; Kristin Tate, “Report: 36,000 Criminal Immigrants Released Onto U.S. Streets in 2013,” *Breitbart News Network*, May 12, 2014, <http://www.breitbart.com/Breitbart-Texas/2014/05/12/Report-36000-Criminal-Immigrants-Released-onto-US-Streets-in-2013>.

<sup>2</sup> Stephen Dinan, “Feds released hundreds of immigrant murderers, drunk drivers, sex-crimes convicts,” *The Washington Times*, May 12, 2014, <http://www.washingtontimes.com/news/2014/may/12/feds-released-hundreds-immigrant-murderers-drunken/?page=all>; see also Jessica Vaughn, “ICE Document Details 36,000 Criminal Alien Releases in 2013,” *Center for Immigration Studies*, May 2014, <http://cis.org/ICE-Document-Details-36000-Criminal-Aliens-Release-in-2013>.

<sup>3</sup> Caroline May, “ICE edits statement to release of 36,007 criminal immigrants,” *Breitbart News Network*, May 15, 2014, <http://www.breitbart.com/Big-Government/2014/05/15/ICE-Updates-Response-TO-Release-Of-36-007-Criminal-Immigrants>.

<sup>4</sup> *Id.*

2. If there was no court order, please explain how the release can properly be called mandatory rather than discretionary.
3. For each discretionary release, please explain why the convicted criminal alien in question was released.
4. For each homicide convict released, please indicate what conditions were imposed upon the release in order to protect public safety. If none, then please explain why precautionary conditions were not imposed.
5. For each homicide convict released, please provide:
  - a. the immigration status of the convict;
  - b. the zip code of the convict's last known address; and
  - c. the name and location of the detention facility from which the convict was released.

Please provide your reply in writing no later than June 27, 2014. If you have any questions, please contact Jay Lim of my Committee staff at (202) 224-5225. Thank you.

Sincerely,



Charles E. Grassley  
Ranking Member