

Alien Incarceration Report Fiscal Year 2018, Quarter 1

June 6, 2018



Alien Incarceration Report

Fiscal Year 2018, Quarter 1

June 6, 2018

On January 25, 2017, the President signed Executive Order (E.O.) 13768 on *Enhancing Public Safety in the Interior of the United States*.

Section 16 of the E.O. directs the U.S. Department of Homeland Security (DHS) and the U.S. Department of Justice (DOJ) to collect relevant data and provide quarterly reports on: (a) the immigration status of all aliens incarcerated under the supervision of the Federal Bureau of Prisons (BOP); (b) the immigration status of all aliens incarcerated as federal pretrial detainees under the supervision of the United States Marshals Service (USMS); and (c) the immigration status of all convicted aliens incarcerated in state prisons and local detention centers throughout the United States.

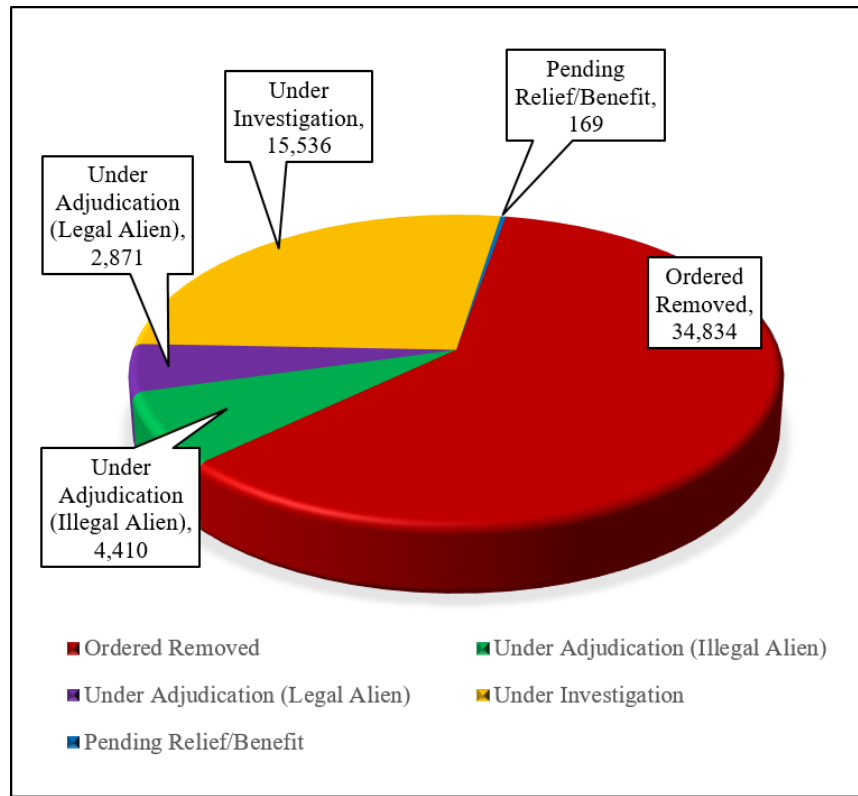
This report includes data on known or suspected aliens under the custody of BOP or USMS, and limited data regarding immigration status of convicted aliens incarcerated in state prisons and local detention centers throughout the United States. Future reports will also provide information regarding immigration status of aliens incarcerated in state prisons and local detention centers.

Summary of Findings

A total of 57,820 known or suspected aliens were in DOJ custody for a range of offenses at the end of the first quarter of Fiscal Year 2018 (FY18) (*see* Figure 1). Of those, 34,834 were confirmed aliens with orders of removal, 15,536 were still under investigation by ICE to determine alienage, 4,410 were aliens who were illegally present and undergoing removal proceedings, and 2,871 were legally present and undergoing removal proceedings. A total of 169 aliens in DOJ custody had been granted relief or protection from removal.



Figure 1: Immigration Status of Known or Suspected Aliens in DOJ Custody, FY2018 Q1



Source: U.S. Department of Justice, U.S. Department of Homeland Security

In an effort to facilitate as robust and thorough analysis as possible, this report expands the types and amounts of data provided pursuant to E.O. 13768. For example, it includes information regarding the costs to the criminal justice system relating to the incarceration of aliens (such as that it cost the USMS more than \$134 million to house known or suspected aliens during the first quarter of FY18). DOJ and DHS will continue to improve their methodologies and policies for this report to improve the information they provide.

The prior quarterly report did not include data on the populations in state prisons or local jails, because comprehensive data regarding those individuals has not been routinely provided to DOJ or DHS by state or local authorities. This report includes some limited data on this topic, including aggregate data collected by DOJ, data reported directly to the public by state authorities, and other information made available through public reporting.

Nonetheless, the lack of comprehensive, comparable data in this area is a noteworthy limitation of this report, because state and local facilities account for approximately 90 percent of the total U.S. incarcerated population. DOJ and DHS are continuing to develop and establish methodologies and procedures that will allow them to collect, estimate, and analyze accurate data regarding the impact of aliens on public safety and criminal justice at the state and local



levels. This section will continue to expand in future reports as these methodologies and procedures are finalized.

Process

Pursuant to E.O. 13768, USMS and BOP have begun providing U.S. Immigration and Customs Enforcement (ICE) with data on a quarterly basis regarding inmates and detainees identified as foreign-born during their criminal case process.¹ In turn, ICE checks USMS and BOP data against its ICE Enforcement and Removal Operations (ERO) case management system, the ENFORCE Alien Removal Module (EARM), and the U.S. Citizenship and Immigration Services Central Index System to identify aliens with immigration records and pending or completed removal proceedings.

This approach allows ICE to place each known or suspected alien within one of the following five categories:

- Under Investigation: Further investigation by ICE is required to confirm alien status and establish potential removability.
- Under Adjudication – Legal: The person is lawfully present in the United States but has been charged as a removable alien; removal proceedings are ongoing.
- Under Adjudication – Illegal: The person is unlawfully present² in the United States and has been charged as a removable alien; removal proceedings are ongoing.
- Ordered Removed: The person is an alien who has been issued a final order of removal and therefore has no lawful status.
- Relief/Benefit: The person is an alien who has been granted relief or protection from removal that would generally be considered lawful status. However, depending on the nature of the inmate’s criminal offense, his or her status may be subject to review and rescission or revocation by DHS or an immigration judge.

Once ICE checks the USMS and BOP data, it returns its findings to USMS and BOP. That data is then utilized by USMS and BOP to generate statistics relevant to E.O. 13768, including the primary offenses committed, costs of incarceration, and other factors affecting public safety and criminal justice. USMS and BOP are continuing to develop their process to allow for more robust reporting of information related to E.O. 13768.

¹ Total counts in BOP and USMS custody reflect the populations on reported dates and are not quarterly or yearly totals.

² “Unlawful presence” includes those circumstances where an “alien is present in the United States after the expiration of the period of stay authorized ... or is present in the United States without being admitted or paroled.” 8 U.S.C. § 1182 (a)(9)(B)(ii).



Immigration Status of and Offenses Committed by Known or Suspected Aliens in BOP Custody

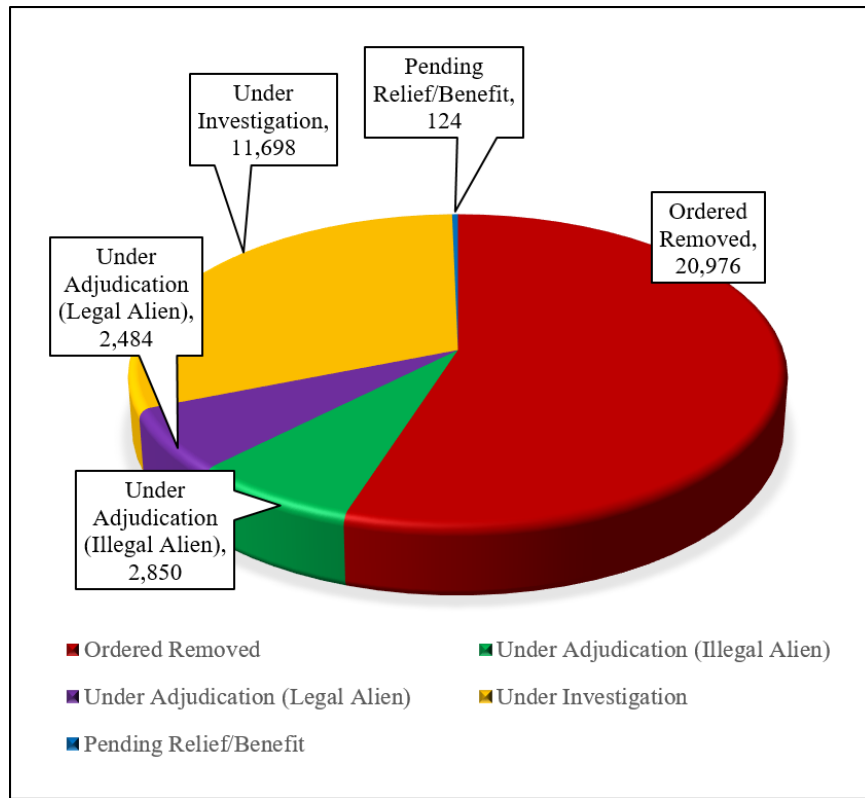
A. Immigration Status of Known or Suspected Aliens in BOP Custody

As of December 30, 2017, a total of 38,132 known or suspected aliens were in BOP custody (approximately 21 percent of the 183,058 total individuals in BOP custody on that date). More than half (62 percent) did not have lawful immigration status in the United States. Of those, 20,976 (55 percent of the total number of known or suspected aliens in BOP custody) had been ordered removed, and 2,850 (seven percent) were unlawfully present and in removal proceedings. Approximately seven percent of the known or suspected aliens in BOP custody (2,484 individuals) were lawfully present and in removal proceedings, and 124 aliens (less than one percent) had received an immigration benefit or relief or protection from removal (*see* Figure 2).

ICE and BOP expect the proportion of aliens remaining in the “under investigation” status to decline over time—a trend that was observed again in this quarter. As of December 2017, only 31 percent (11,698) of known or suspected aliens were under investigation, down from 38 percent in the fourth quarter and 50 percent in the third quarter.



Figure 2: Known or Suspected Aliens in BOP Custody, FY 2018 Q1



Source: U.S. Department of Justice, U.S. Department of Homeland Security

B. Primary Offenses Committed by Known or Suspected Aliens in BOP Custody

Approximately 46 percent (17,621) of known or suspected aliens in BOP custody had committed drug trafficking or other drug-related offenses (such as conspiracy to commit drug trafficking offenses, or smuggling large amounts of drugs on the high seas) as their primary offense, making it the most common type of offense. Of the 17,621 known or suspected aliens in BOP custody with a drug offense as their primary offense, only 107 (approximately one half of one percent) had a primary offense of simple possession—and many of these were traffickers who were caught with significant amounts of drugs but were convicted of lesser offenses as a result of circumstances such as plea bargains. The remaining 17,514 known or suspected aliens with a primary offense related to drugs (more than 99 percent of the total) were convicted of drug trafficking-related crimes.³

³ The proportion of drug offenders sentenced for drug trafficking is generally consistent throughout the entire federal prison population. According to the Bureau of Justice Statistics, “[m]ore than 99% of federal drug offenders are sentenced for trafficking.” See Bureau of Justice Statistics, *Prisoners in 2016* (Jan. 2018), <https://www.bjs.gov/content/pub/pdf/p16.pdf>.



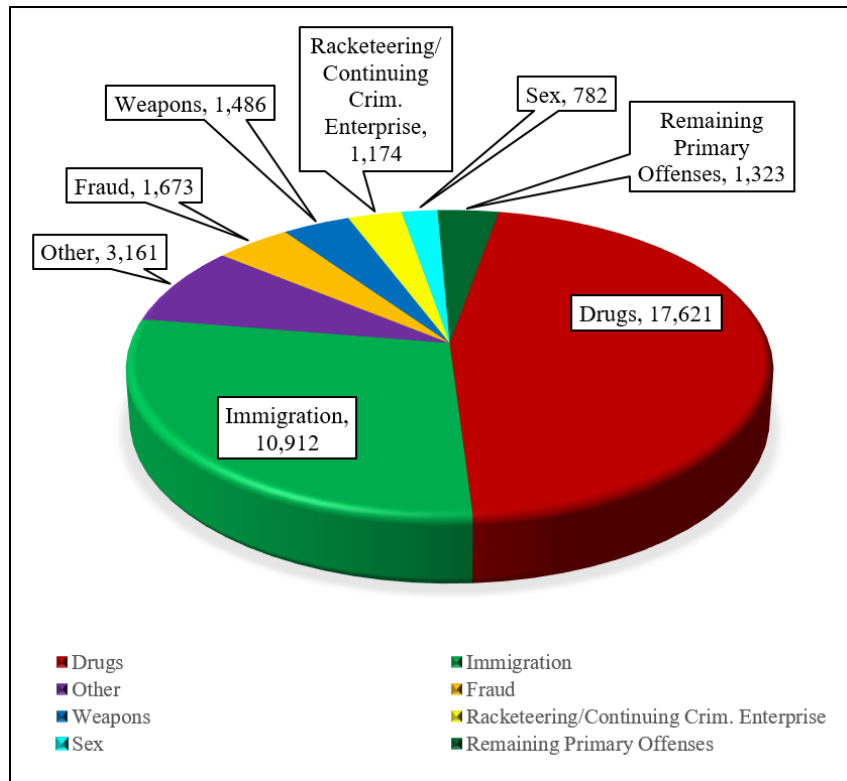
Approximately 29 percent (10,912) of known or suspected aliens in BOP custody had committed immigration offenses (such as illegal reentry after deportation or human trafficking) as their primary offense. The third-largest category (approximately eight percent, or 3,161 individuals) of known or suspected aliens in BOP custody were those categorized as “Other,” which is composed primarily of individuals awaiting trial. Drug trafficking-related and immigration offenses were the most common primary offenses associated with those in the “Other” category.

Of the known or suspected aliens in BOP custody, approximately four percent (1,673) had committed fraud as their primary offense (*see* Figure 3). Another four percent (1,486) committed weapons offenses (including firearms offenses). Racketeering and continuing criminal enterprise offenses (including murder for hire) were the primary offenses committed by approximately 3 percent (1,174), and obscene materials offenses (such as production or distribution of child pornography) and other sex offenses were the primary offenses committed by approximately 2 percent (782). Other primary offenses committed by smaller numbers of known or suspected aliens in BOP custody included kidnapping, murder, larceny, terrorism, escape, bribery and extortion, rape, and other offenses—aside from terrorism-related offenses, many of these types of offenses are typically prosecuted at the state and local level.

Future reports will also include information regarding costs associated with incarcerating aliens in BOP custody.



Figure 3: Primary Offenses Committed by Known or Suspected Aliens in BOP Custody, FY 2018 Q1



Source: U.S. Department of Justice, U.S. Department of Homeland Security

C. Examples of Newly Sentenced or Incarcerated Aliens in BOP Custody

The following are illustrative examples of aliens who were recently sentenced or incarcerated for federal offenses.

- Adrian Pineda-Orozco** (W.D. Tex.), an illegal alien from Mexico, who was residing in Houston, Texas, was sentenced to 50 years in prison for his role in a scheme to smuggle over 43 kilograms of liquid methamphetamine into the United States. A jury convicted Pineda-Orozco of conspiracy to possess with intent to distribute methamphetamine and conspiracy to import methamphetamine. Pineda-Orozco’s co-defendants pled guilty to conspiracy to possess with intent to distribute methamphetamine prior to trial.

Evidence at trial established that Pineda-Orozco orchestrated a statewide methamphetamine importation and distribution scheme, with prior deliveries to Houston and Dallas. On December 15, 2015, Customs and Border Patrol (CBP) officers at the Eagle Pass Port of Entry discovered 15 plastic bottles containing liquid methamphetamine inside a vehicle being driven by the two co-defendants. One of the co-defendants confessed and told agents he was to deliver the methamphetamine to an individual in Houston. Agents then conducted a controlled delivery and discovered



Pineda-Orozco waiting for them in Houston. When agents identified themselves, Pineda-Orozco got into his vehicle and fled the scene, narrowly missing one of the agents. Pineda-Orozco led authorities on a high-speed chase through residential neighborhoods. The pursuit continued until spike strips disabled the vehicle. Pineda-Orozco was then arrested.

- **Anibel Rondolpho Rodriguez** (E.D.N.Y.), an illegal alien from Honduras, who was residing in Freeport, New York, was sentenced to 45 years in prison after he pled guilty to racketeering charges including two murder conspiracies, two attempted murders, and threatening to commit assault.
 - On August 9, 2012, Rodriguez, a member of Mara Salvatrucha (MS-13), agreed with two co-conspirators to kill M. P., who was associated with the Zulu Nation gang. The Zulu Nation had an ongoing dispute with members of the Hempstead Locos Salvatruchas, a clique of MS-13. While the defendant was talking to the victim, a co-conspirator fatally shot the victim three times with a 9 mm handgun.
 - On October 6, 2013, the defendant and six co-defendants confronted J. I. R.-L. about his suspected membership in a rival gang. The defendant and his co-conspirators decided to kill R.-L. and R.-L.'s friend, who was a potential witness. R.-L. was fatally stabbed more than two dozen times, and his friend was stabbed 18 times but survived.
 - On September 14, 2013, the defendant with other MS-13 gang members confronted John Doe and another individual whom they believed were members of a rival Bloods street gang. The defendant grabbed a baseball bat and struck John Doe. Others also struck John Doe with a wooden board, stabbed him with a screwdriver, and punched and kicked him. John Doe survived.
 - On October 6, 2013, the defendant and other MS-13 gang members approached John Doe 2 and asked him whether he was a gang member, questioning him about a tattoo on his arm. When John Doe 2 denied gang membership and tried to walk away, he was stabbed and kicked by the defendant and his MS-13 gang friends.
- **Eduardo Martinez** (N.D. Ind.), an illegal alien residing in Fort Wayne, Indiana, was sentenced to 324 months in prison after he pled guilty to possession with intent to distribute more than a kilogram of heroin, distribution of more than 50 grams of methamphetamine, and possession of a firearm by an illegal alien. According to court documents, Martinez distributed methamphetamine, cocaine, and marijuana from July 2013 through December 2014. From calls intercepted pursuant to a federally authorized warrant, agents learned that in November and December 2014, Martinez coordinated an incoming shipment of multiple kilograms of heroin. The investigation concluded with the seizure of that shipment, wherein Martinez received a portion of the shipment. Martinez and six other co-defendants were arrested.



- **Paula Villalva-Patricio** (S.D. Miss.), a citizen of Mexico, was sentenced to 180 months in prison after a jury found her guilty of conspiracy to commit an offense against the United States, attempting to smuggle firearms out of the United States in violation of regulations and laws, and transporting or delivering firearms to a person who does not reside in the same state. In August 2011, a Jackson County Sheriff’s deputy stopped a truck. During a search of that truck, the deputy found two firearms and flak jackets hidden in a spare tire. In November 2011, in a subsequent traffic stop of the same truck, deputies uncovered an additional 28 firearms and 600 rounds of ammunition secreted under the truck bed. Further investigation led to the identification of Villalva-Patricio in September 2012. She was later apprehended in November 2016, while crossing into the United States at the border in San Diego, California.
- **Celin Javier Montoya-Rodriguez** (S.D. Tex.), a lawful permanent resident from Mexico, and **Jonathon Sanchez-Torres**, an illegal alien from Mexico who was residing in Pharr, Texas, were sentenced to 120 months each after pleading guilty to two counts of unlawfully transferring destructive devices. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and ICE Homeland Security Investigations (HSI) agents conducted a lengthy investigation that included undercover operations that exposed a conspiracy to manufacture military-style grenades, which were to be sold and exported to Mexico. Over a six-month period, one of four other co-defendants, Gonzalez, acquired all of the components necessary to construct more than 150 improvised hand grenades, including grenade hulls, spring kits, fuses, and black powder, from a combination of online merchants and local stores. Gonzalez assembled the grenades in a workshop located behind his home.

As the grenades were completed, Sanchez-Torres delivered batches of the live hand grenades to co-defendant Vega-Genova. Vega-Genova worked with Montoya-Rodriguez, Ozuna and Rivera to sell the grenades. Between November 5, 2016, and November 9, 2016, on four separate occasions, agents purchased 45 grenades directly from Vega, Montoya-Rodriguez, Ozuna and Rivera at a cost of \$400-\$450 per grenade. Subsequent surveillance and undercover operations led to the discovery of the identity and location of the grenade manufacturer – Gonzalez. Agents learned that prior to the start of the investigation, the defendants had manufactured and sold approximately 50 grenades to other unknown individuals who were exporting the grenades to Mexico. At the time of his arrest, Gonzalez was in the process of acquiring components to manufacture an additional 200 grenades. Agents were able to intercept some of the component parts that were being shipped to Gonzalez’s residence.

- **Santos Portillo Andrade** (D. Mass), aka “Flaco,” a lawful permanent resident from El Salvador residing in Revere, Massachusetts, was sentenced to 10 years in prison after he pled guilty to a RICO conspiracy involving an aggravated assault, conspiracy to possess with intent to distribute heroin and cocaine, and possession of a firearm in furtherance of drug trafficking. Andrade, the leader of MS-13’s East Boston Loco Salvatrucha clique,



admitted that he was engaged in a conspiracy to conduct enterprise affairs through a pattern of racketeering activity, which included admitting responsibility for an aggravated assault on an individual he believed was a rival gang member in Malden, Massachusetts, in December 2008. Andrade also admitted that he conspired to distribute at least 100 grams of heroin and 500 grams of cocaine. In addition, Andrade admitted that he possessed a firearm in furtherance of his drug trafficking.

- **Pedro Quintero-Enriques** (S.D. Ala.), aka, Miguel Angel Quintero, an illegal alien from Mexico who was residing in Summerdale, Alabama, was sentenced to 108 months in prison after he pled guilty to illegal reentry after deportation and felon in possession of firearms. Quintero-Enriques is a convicted felon who illegally reentered the United States on numerous occasions. In 2002, he was convicted in the United States District Court for the Southern District of Texas for illegal entry. On January 23, 2012, he was deported. He then reentered the country, and in October 2013, he was indicted for illegal reentry in the Southern District of Alabama. He was sentenced to time served and again deported. Notwithstanding his previous deportations, Quintero-Enriques unlawfully returned to the United States several times. He was deported again in August 2013, and November 2014. His criminal history includes domestic violence. As a convicted felon and illegal alien, he is prohibited from possessing firearms.
 - On October 16, 2016, Baldwin County Sheriff's deputies responded to a domestic violence call at the home of Quintero-Enriques. Upon their arrival, deputies saw two firearms, in plain view, in a blue Ford F-150 truck, which was parked underneath the home's awning. Deputies met and spoke with Quintero-Enriques who allowed deputies to enter his home. Agents saw drug residue and drug paraphernalia upon entry into the house. Deputies later arrested Quintero-Enriques. Deputies also seized two firearms, from the truck, which included a pump shotgun and a Ruger mini-14 rifle. The shotgun was loaded and contained four shells. After a search of Quintero-Enriques, deputies found in his wallet two North Carolina I.D. cards that appeared to be fake and approximately \$1,785 cash. Quintero-Enriques admitted that he was in the country illegally.
- **Martel Valencia-Cortez** (S.D. Cal.), an illegal alien from Mexico and prolific alien smuggler, was sentenced to 99 months in prison for hurling a softball-sized rock at a U.S. Border Patrol agent and for alien smuggling. A jury convicted Valencia-Cortez of assault on a federal officer with a deadly weapon and three counts of bringing in an illegal alien for financial gain. The defendant had been on supervised release for a 2013 alien smuggling conviction at the time he committed the new offenses.

On November 15, 2015, less than two months after his last deportation to Mexico following the completion of a 33-month sentence for his prior alien smuggling conviction, Valencia re-entered the United States guiding a group of 15 undocumented aliens. When agents discovered the group, Valencia threw a softball-sized rock from a



distance of approximately 30 feet that hit an agent on the side of the agent's face. Valencia then fled to back into Mexico. Agents arrested Valencia when Mexican authorities escorted him to the San Ysidro Port of Entry on March 11, 2016. At trial, the Border Patrol victim testified that he had never been hit that hard in his life and that he felt an overwhelming pain that caused him to feel dazed and disoriented, as if he was going to pass out. The rock hit the agent so hard that he thought his teeth had been knocked out or his jaw had been broken.

- **Miguel Cabrera-Rangel** (S.D. Tex.), an illegal alien from Mexico, was sentenced to 96 months in prison after a jury convicted him of assault on a federal officer. Evidence at trial demonstrated that a Border Patrol agent responded to a report of a possible group of illegal aliens on a ranch near Hebronville. The agent came upon the group and attempted to apprehend them. Cabrera was one of the illegal aliens. To avoid apprehension, Cabrera engaged the agent in a physical struggle during which Cabrera grabbed the agent's flashlight. Cabrera punched the agent in the face and then struck the agent with the flashlight causing a bilateral fracture of the nose along with lacerations and contusions. Cabrera then fled but was later apprehended on a fishing boat in Copano Bay, near Corpus Christi. At sentencing, the victim informed the court that he had continuing issues with his eye. He suffered a detached retina and also developed cataracts.

[Immigration Status of and Pending Charges Against Known or Suspected Aliens in USMS Custody](#)

A. Immigration Status of Known or Suspected Aliens in USMS Custody

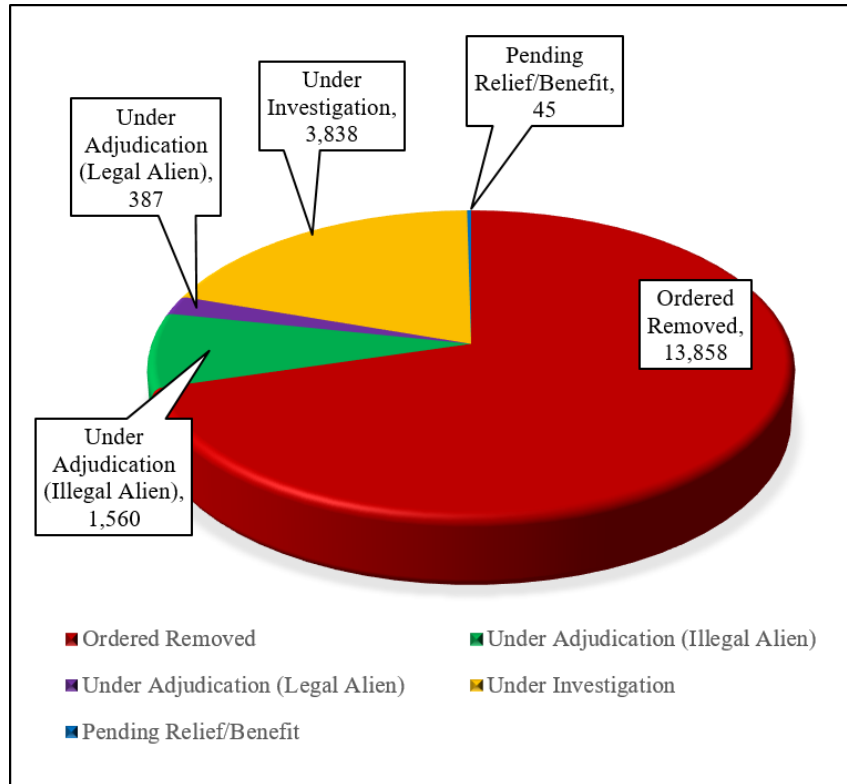
The USMS is DOJ's component charged with the housing and care of federal pretrial detainees. USMS also houses certain short-term sentenced individuals, as well as sentenced individuals pending transfer to BOP. This report includes data on all known or suspected aliens in USMS custody.⁴ As of December 31, 2017, 19,688 confirmed aliens were in USMS custody, along with 3,022 individuals for whom alienage had not yet been determined.

Confirmed aliens, identified through self-reporting or through confirmation of alienage by ICE, comprised 37 percent of the 53,141 total individuals in USMS custody. Of those aliens, 70 percent (13,858 individuals) had removal orders, 19 percent (3,838 individuals) had their immigration status currently under investigation, and nearly eight percent (1,560 individuals) were unlawfully present and in removal proceedings (*see* Figure 4). Only two percent (387 individuals) of the confirmed aliens in USMS custody were lawfully present and in immigration proceedings. Only 45 aliens in USMS custody were in receipt of a grant of protection or relief from removal.

⁴ USMS data reflects all aliens in USMS custody, and does not delineate solely pretrial aliens as the USMS also detains post-trial aliens completing short-term sentences or awaiting transfer to BOP.



Figure 4: Immigration Status of Confirmed Aliens in USMS Custody, FY2018 Q1



Source: U.S. Department of Justice, U.S. Department of Homeland Security

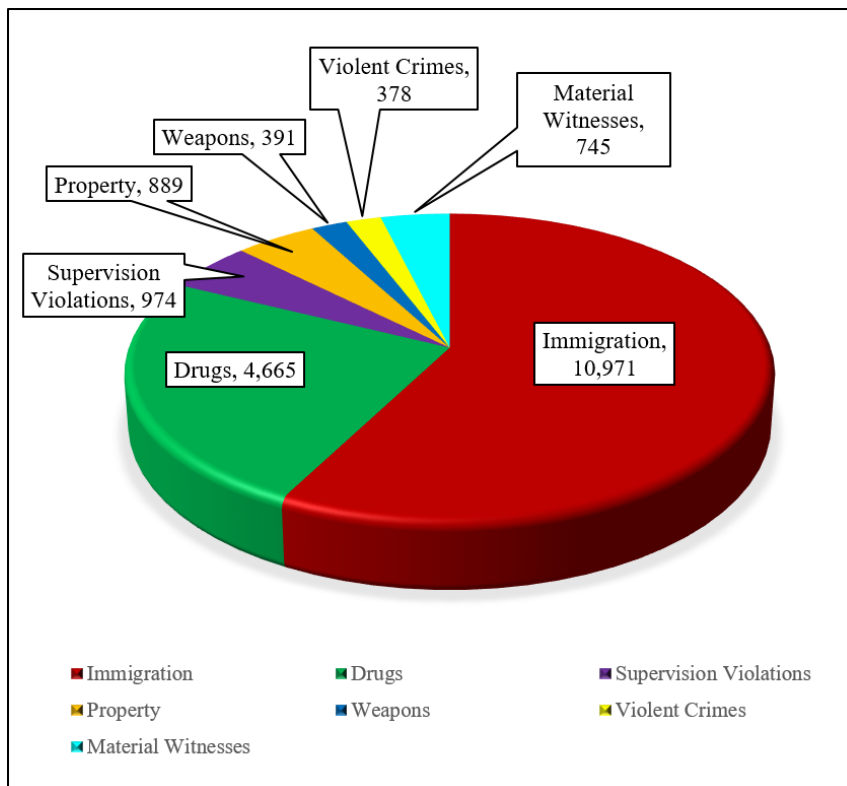
B. Pending Primary Charges Against Confirmed Aliens in USMS Custody

Of the 19,688 aliens in USMS custody, approximately 56 percent (10,971 individuals) were in custody for a primary offense related to immigration, such as human trafficking or illegal reentry after deportation (*see* Figure 5). Approximately 24 percent (4,665 individuals) of aliens in USMS custody were in custody for a primary offense related to drugs. Other primary offenses included violations of conditions of supervision (974 individuals, approximately five percent of aliens in USMS custody), property offenses (889 individuals, approximately five percent of aliens in USMS custody), weapons offenses, and violent offenses (391 and 378 individuals, respectively, each approximately two percent of aliens in USMS custody). Approximately four percent (745 individuals) of aliens in USMS custody were material witnesses.

Notably, 68 percent (13,449) of all aliens in USMS custody were apprehended in the southwest region.



Figure 5: Pending Primary Charges Against Confirmed Aliens in USMS Custody, FY2018 Q1



Source: U.S. Department of Justice, U.S. Department of Homeland Security

C. Costs Associated With Confirmed Aliens in USMS Custody

During the first quarter of FY18, USMS had an average daily population of 19,472 confirmed aliens in custody, and incurred more than \$134 million in housing costs related to those prisoners during that quarter. An average of 3,175 of those aliens were held in BOP facilities, and for whom no direct housing costs were incurred by USMS (the costs were instead funded by appropriations received by BOP). An average daily population of 65 aliens were also housed in settings for which no direct housing costs were incurred by USMS, such as in hospitals or in correctional health care facilities due to required medical treatment. The remaining 16,233 aliens (daily average) in USMS custody were housed in a combination of state, local, and private facilities, at an average cost of \$89.84 per diem.

Immigration Status of Individuals in State and Local Custody

Through its Office of Justice Programs (“OJP”), Bureau of Justice Statistics (“BJS”), DOJ continues its progress towards establishing a data collection of the immigration status of convicted aliens incarcerated in state prisons and local detention centers. In the meantime, some data is already available from particular states, such as Texas. Additionally, some information is



available through public reporting of cases that offer anecdotal evidence of alien criminal activity at the state and local levels.

A. Gathering Data from State Prisons

BJS currently collects on an annual basis aggregate numbers of noncitizens in state and federal prisons through the National Prisoner Statistics (“NPS”) program. The respective departments of corrections voluntarily submit these numbers. The most recent records, released in January 2018, were from December 31, 2016. According to that report, there were approximately 83,573 inmates under federal jurisdiction or in state custody who are not U.S. citizens. As BJS appropriately noted,⁵ state numbers in the report, which reflect 43,617 noncitizen individuals in custody, represent an undercount, because five states—including California, Nevada, and Oregon—did not report citizenship data. In addition, other states likely also provided undercounts, in part because; (1) inmates self-report place of birth or citizenship, and state corrections departments use these elements differently to determine citizenship, and (2) the count for most states only includes individuals in state-run institutions, not private facilities. Due to this underreporting (or complete lack of reporting) by some states, the aggregate tally of 83,573 noncitizen inmates reported to BJS as being under federal jurisdiction or in state custody does not currently represent a comprehensive national total.

BJS is improving its data collection in this area, including asking states and the BOP to provide additional information to disaggregate the number of noncitizens in custody by basic sentence length and by sex as of December 31 each year. The enhanced data collection began in January 2018, and will also include counts of noncitizens in both state-run and private facilities for all jurisdictions. BJS expects to release the 2017 counts of noncitizens in the fall of 2018. BJS is also continuing its efforts to modify the National Corrections Reporting Program (“NCRP”), BJS’s annual collection of individual-level state prisoner records, to collect citizenship status of all inmates in state prisons.

B. Gathering Data from Local Detention Facilities

BJS currently collects data from local detention facilities through its Annual Survey of Jails (“ASJ”). Currently, the ASJ data cannot be used to accurately estimate the total number of noncitizens in local custody. BJS is working to improve reporting from local facilities, and develop ASJ’s data collection to allow the disaggregation of conviction status, which would enable analysis of ASJ data to determine the number of noncitizens in custody, and to break those numbers down by conviction status. During the first quarter of FY18, BJS fielded a pilot study to investigate the ability of local jail facilities to report this information.

In addition, the Department of Homeland Security, Office of Immigration Statistics is currently evaluating potential strategies to estimate the immigration status of individuals in state and local

⁵ Bureau of Justice Statistics, *Prisoners in 2016* (Jan. 2018), <https://www.bjs.gov/content/pub/pdf/p16.pdf>.



custody based on information available in the U.S. Census Bureau's American Community Survey on individuals living in institutional settings, a category that includes federal and state prisons as well as local jails.

C. Nonfederal Data and Public Reporting

While the Departments of Justice and Homeland Security are developing improved methods to collect and analyze relevant data from state and local authorities, some already take the proactive step of making this data available to the public.

For example, the Texas Department of Public Safety publishes data online regarding criminal alien arrests and convictions. These data do not account for all aliens in the Texas criminal justice system, as they are limited to criminal alien arrestees who have had prior interaction with DHS resulting in the collection of their fingerprints. Nonetheless, these data are helpful in understanding how criminal aliens impact public safety and criminal justice. As reported by Texas Department of Public Safety:

According to DHS status indicators, over 251,000 criminal aliens have been booked into local Texas jails between June 1, 2011 and April 30, 2018. During their criminal careers, these criminal aliens were charged with more than 663,000 criminal offenses. Those arrests include 1,351 homicide charges; 79,049 assault charges; 18,685 burglary charges; 79,900 drug charges; 815 kidnapping charges; 44,882 theft charges; 50,777 obstructing police charges; 4,292 robbery charges; 7,156 sexual assault charges; and 9,938 weapon charges. Of the total criminal aliens arrested in that timeframe, over 168,000 or 66% were identified by DHS status as being in the US illegally at the time of their last arrest.

According to DPS criminal history records, those criminal charges have thus far resulted in over 296,000 convictions including 583 homicide convictions; 29,768 assault convictions; 9,202 burglary convictions; 39,002 drug convictions; 282 kidnapping convictions; 20,355 theft convictions; 24,836 obstructing police convictions; 2,245 robbery convictions; 3,317 sexual assault convictions; and 4,117 weapon convictions. Of the convictions associated with criminal alien arrests, over 197,000 or 66% are associated with aliens who were identified by DHS status as being in the US illegally at the time of their last arrest.⁶

D. Examples of Crimes Committed by Aliens at the State and Local Level

In addition to official data from state and local authorities, media reports can be helpful in understanding the impacts of aliens on public safety and criminal justice in the United States.

⁶ *Texas Criminal Alien Arrest Data*, Texas Dep't of Pub. Safety (last visited May 24, 2018), https://www.dps.texas.gov/administration/crime_records/pages/txCriminalAlienStatistics.htm.



Media reports are inherently less desirable than official data, in part because of the higher possibility of inaccuracies. Additionally, media reports are limited in their utility to identify larger trends, both because the reporting may be inconsistent and because media reports may be more likely to report on atypically serious crimes. Nonetheless, particularly in absence of official data, anecdotal examples from public reporting can help develop the issue. A few examples from the first quarter of FY18 include:⁷

- **Miguel “Timido” Angel Lopez-Abrego**, 19, who was charged with first-degree murder for his alleged involvement in an MS-13 attack in Wheaton, Maryland., in which as many as 10 MS-13 members lured a man into a park, stabbed him more than 100 times, decapitated him, and then cut out his heart. Lopez-Abrego is a native of El Salvador in the United States illegally.⁸
- **Kula Pelima**, 30, who confessed to police that she drowned two children, four-months old and five years old, respectively, in a bathtub. Pelima is a Liberian native who had lived in the United States for two decades.⁹
- **Leonel Vazquez**, 34, who pleaded guilty to sexually abusing an underage, developmentally delayed girl in Kentucky. Vazquez was first arrested for the charge in June 2017, but in November 2017 it was revealed that he was an illegal alien who had been deported at least twice before.¹⁰
- **Hugo Parral-Aguirre**, 30, who was arrested after allegedly shooting a county sheriff’s deputy in the shoulder with a shotgun in California, and allegedly attempting to shoot another individual earlier that same day. Parral-Aguirre is a Mexican national in the United States illegally, and had been previously deported.¹¹

⁷ The information contained within these examples comes entirely from the cited media reports. Neither DOJ nor DHS make any assurances as to the accuracy of the information provided in these examples, nor have DOJ or DHS independently confirmed any of the information in this section. The examples are provided solely for the purpose of demonstrating the type of information that is often contained within media reports about criminal activity.

⁸ Dan Morse, *Police: MS-13 members in Maryland stab man more than 100 times and decapitate him*, Washington Post (Nov. 22, 2017), https://www.washingtonpost.com/local/public-safety/police-ms-13-members-in-maryland-stab-man-more-than-100-times-and-decapitate-him/2017/11/22/0cba9760-cf7e-11e7-a1a3-0d1e45a6de3d_story.html.

⁹ *Mom, fearing deportation, drowns infant son, 5-year-old half-brother, cops say*, FOXNEWS.com (Oct. 18, 2017), <http://www.foxnews.com/us/2017/10/18/mom-fearing-deportation-drowns-infant-son-5-year-old-half-brother-cops-say.html>.

¹⁰ Amanda Roberts, *Illegal immigrant facing deportation for 3rd time after sexual assault*, WPSD (NBC local affiliate) (Nov. 14, 2017), <http://www.wpsdlocal6.com/2017/11/14/illegal-immigrant-facing-deportation-3rd-time-sexual-assault/>.

¹¹ Will Houston, *Sheriff: Suspect in shooting of Humboldt County deputy previously deported*, Eureka Times-Standard (Dec. 18, 2017), <http://www.times-standard.com/general-news/20171218/sheriff-suspect-in-shooting-of-humboldt-county-deputy-previously-deported>.



- **Estuardo Rufino Chaves**, 23, who was sentenced to five years in prison in New Jersey for second-degree reckless death by automobile as part of a plea bargain after he killed a motorcyclist. ICE placed a detainer on Chaves, a Guatemalan national, after his arrest.¹²
- **Hugo Giron-Polanco**, 38, who was arrested in December 2017 in connection with an alleged 2010 rape case in Florida when his DNA was matched with a sample collected from the victim. Giron-Polanco is a native of El Salvador in the United States illegally.¹³

[Additional Information Regarding Criminal Aliens in the United States](#)

A. Efforts to Expand the Institutional Hearing and Removal Program

The Institutional Hearing and Removal Program (IHRP) is a cooperative effort between the Executive Office for Immigration Review (EOIR), DHS, and various federal, state, and municipal corrections agencies. As part of the IHRP, DHS identifies alien inmates in BOP, state, or local custody who may be removable from the United States and initiates their removal proceedings before EOIR while the aliens continue serving their criminal sentences. Bringing immigration judges to these inmates for a determination of their removability allows their immigration case to be resolved prior to their release from incarceration. Through the IHRP, EOIR provides in-person and video teleconference immigration proceedings to determine whether alien inmates are removable from the United States and, if removable, whether they are eligible for any form of protection or relief from removal.

Upon their release from custody, DHS is able to effectuate the removal of those aliens who have a final order of removal, as determined by either an immigration judge or the Board of Immigration Appeals. IHRP aims to avoid transferring removable aliens into DHS custody, or releasing them into the community, pending future adjudication of their immigration case. By holding immigration proceedings during an alien's prison sentence, IHRP enhances the overall efficiency of the immigration system while contributing to the Nation's security.

Between October 1 and December 31, 2017, EOIR completed 851 immigration cases at 47 IHRP locations. EOIR had 1660 IHRP cases pending as of December 31, 2017 and may hear cases at additional IHRP locations as circumstances warrant.

¹² Sulaiman Abdur-Rahman, *Illegal immigrant gets 5 years for Hopewell Township vehicular homicide*, The Trentonian (Oct. 27, 2017), <http://www.trentonian.com/general-news/20171027/illegal-immigrant-gets-5-years-for-hopewell-township-vehicular-homicide>.

¹³ Tonya Alanez, *Davie police say they have solved 2010 rape case*, Sun Sentinel (Dec. 29, 2017), <http://www.sun-sentinel.com/local/broward/davie/fl-sb-rape-cold-case-arrest-20171228-story.html>.

