

PRESS RELEASE

U. S. Senate Permanent Subcommittee on Investigations HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE



Carl Levin, Chairman
John McCain, Ranking Member

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SENATORS McCAIN AND LEVIN: NEW INFORMATION REGARDING ICE DETAINEE RELEASE

Washington, D.C. – U.S. Senators John McCain (R-Ariz.) and Carl Levin (D-Mich.), Ranking Member and Chairman of the U.S. Senate Permanent Subcommittee on Investigations, today released the following new information about the February 2013 release of ICE detainees with criminal records:

In February 2013, in a misguided effort to comply with anticipated budget cuts due in part to sequestration, without explanation or warning, U.S. Immigration and Customs Enforcement (ICE) officials released from custody 2,226 detainees into communities across the country. In response to requests for information by the Senate Permanent Subcommittee on Investigations (PSI), the Department of Homeland Security (DHS), after a three month delay and under threat of a possible subpoena, finally disclosed details about those releases. DHS disclosed that, as part of the larger release, it freed 622 detainees with criminal records, including 32 with multiple felony convictions.

Among the 32 detainees, for example, ICE's Phoenix District Office released a detainee who had a felony second degree robbery prior conviction and countless convictions for prostitution and solicitation for lewd conduct. The Phoenix office releases also included an individual who had been convicted of an extreme case of driving under the influence (DUI) and harassment, as well as having caused criminal damage to property, as well as a detainee who had prior convictions for carrying a loaded firearm, DUI with a controlled substance, felony possession of drugs, second degree burglary, vandalism, and trespassing. The San Francisco Field Office released someone with a prior felony conviction to manufacture fake identifications as well as a man with two DUIs and two stalking convictions, the last one as recent as 2012. The Houston office deemed a person convicted of felony possession of marijuana of up to 2,000 pounds acceptable for release.

When DHS realized the seriousness of the offenses, it re-apprehended 24 of the 32 detainees with felony convictions who had been freed. DHS considered returning the remaining eight to physical custody, but took other actions instead, including using ankle bracelets to track their movements. DHS told the Subcommittee that local ICE officials at regional field offices had the discretion to choose which detainees to release. The Senators recommend that disciplinary action be considered for the ICE officials responsible for releasing detainees with multiple felony convictions into communities.

"ICE's reprehensible actions put Arizona at risk by setting free into our communities hundreds of detainees who were guilty of criminal offenses, said **Senator John McCain**. "The ICE officials responsible for this must face disciplinary action and must take all actions necessary to ensure that this never happens again."

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