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*"Rummaging in the government's attic"*

Description of document: Department of Homeland Security (DHS) Office of Inspector General (OIG) report: Supervision of Aliens Commensurate with Risk (OIG-11-81) and related communications, 2011

Requested date: 08-July-2011

Released date: 15-Sep-2011

Posted date: 21-May-2012

Date/date range of documents: Report: May 2011 (revised edition)  
Email communications: July 2011

Source of document: FOIA Officer  
Department of Homeland Security  
Office of Inspector General (OIG)  
245 Murray Drive, Bldg. 410  
Mail Stop – 2600  
Washington, D.C. 20528-0001  
Fax: 202-254-4398  
Email: [FOIA.OIG@oig.dhs.gov](mailto:FOIA.OIG@oig.dhs.gov)

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# Homeland Security

SEP 15 2011

Subject: Freedom of Information Act Request No. 2011-144 – Final Response

This is in response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated July 8, 2011, and seeking records related to DHS-OIG report titled, "Supervision of Aliens Commensurate with Risk" (OIG-11-81) (copy attached for reference). Your request was received in this office on July 12, 2011.

The DHS-OIG conducts independent investigations, audits, inspections, and special reviews of DHS personnel, programs, and operations to detect and deter waste, fraud, and abuse, and to promote integrity, economy, and efficiency within DHS. In response to your request, a search of the DHS-OIG's Office of Audits was conducted. That search resulted in the attached records responsive to your request. We have reviewed the responsive records under the FOIA to determine whether they may be accessed under the FOIA's provisions. Based on that review, this office is providing the following:

- 46 page(s) are being released in full (RIF);
- 102 page(s) are being released in part (RIP);
- 27 page(s) are withheld in full (WIF);
- 37 page(s) are duplicate copies of material already processed;
- page(s) are non-responsive to your request and therefore withheld in full;
- 20 page(s) were referred to another entity.<sup>1</sup>

The exemptions cited for withholding records or portions of records are marked below.

Freedom of Information Act, 5 U.S.C. § 552			Privacy Act, 5 U.S.C. § 552a
<input type="checkbox"/> 552(b)(1)	<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input checked="" type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(5)	<input type="checkbox"/> 552(b)(7)(C)	<input checked="" type="checkbox"/> 552a(k)(2)
<input type="checkbox"/> 552(b)(3)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(5)
	<input type="checkbox"/> 552(b)(7)(A)	<input type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> Other:

<sup>1</sup> Please note that some of the 20 pages referred to ICE are duplicates of what OIG has already released to you in response to this request. Since only portions of these pages contained ICE information, OIG had to refer the entire document to ICE for review and direct response.

OIG redacted from the enclosed documents, names and identifying information of third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the PA. That information is also protected from disclosure pursuant to Exemptions 6 and 7(C) of the FOIA.

#### **Exemption 5, 5 U.S.C. § 552(b)(5)**

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” *See* 5 U.S.C. § 552(b)(5). DHS-OIG is invoking the deliberative process and attorney client privilege of Exemption 5 to protect information that falls within that privilege’s domain.

#### **Exemption 6, 5 U.S.C. § 552(b)(6)**

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” *See* 5 U.S.C. § 552(b)(6)(emphasis added). DHS-OIG is invoking Exemption 6 to protect email addresses, names, and initials of lower level employees, and non-agency employees.

#### **Referral**

Additionally, 20 pages have been referred to United States Immigration and Customs Enforcement (ICE), a DHS component. This DHS component will process the records under the FOIA and respond to you directly. Should you wish to contact ICE you may write to:

United States Immigration and Customs Enforcement (ICE)  
Freedom of Information Act Office  
500 12th Street, SW, Stop 5009  
Washington, D.C. 20536-5009  
FOIA Officer: Catrina Pavlik-Keenan  
FOIA Requester Service Center Contact: Ryan Law  
Phone: 202-732-0600 or 866-633-1182  
Fax: 202-732-0660  
E-mail: [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov)

This referral was made in accordance with DHS regulations, which require DHS entities to determine whether another entity is better able to determine whether records are exempt from disclosure under the FOIA, and if so, then the record must be referred to the other entity. *See* 6 C.F.R. § 5.4(c)(2). In general, the entity that created a record is presumed best able to determine whether it may be disclosed under the FOIA.

#### **Fees**

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. *See* 6 CFR § 5.11(d)(4).

## Appeal

You have the right to appeal this response. Your appeal must be in writing and received within 60 days of the date of this response. Please address any appeal to:

FOIA/PA Appeals Unit  
DHS/Inspector General  
STOP 2600  
245 Murray Drive, SW, Building 410  
Washington, DC 20528

Both the envelope and letter of appeal must be clearly marked, "Freedom of Information Act/Privacy Act Appeal." Your appeal letter must also clearly identify the DHS-OIG's response. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.9. If you have any questions about this response please contact Aneet Thind, FOIA/PA Disclosure Specialist, at 202-254-4373.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email that entity at [ogis@nara.gov](mailto:ogis@nara.gov) or call 877-684-6448.

Sincerely,

A handwritten signature in black ink, appearing to read "Kath R. Gallo", written in a cursive style.

Katherine R. Gallo  
Assistant Counsel to the Inspector General

Enclosure(s)

FOIA/PA NO.: 2011-144

MIXED DOCUMENTS

46 (RIF)

102 (RIP)

27 (WIF)

37 (DUP)

20 (REFERRED)

           (NR)



Office of Inspector General  
Office of Audits

Project # 10-092-AUD-ICE

ICE's Supervision of Aliens Commensurate with Risk  
Revision of Final Report OIG-11-81 (May 2011)

**MEMO OF RECORD**

Time	Date
1:00PM	7/8/11

Prepared By  
Holly Snow

The audit team was advised that ICE incorrectly included Israel in a list of countries subject to Third Agency Checks. This list was provided to us during the course of our audit, *Supervision of Aliens Commensurate with Risk*, OIG-11-81 (May 2011) and included in Appendix D. Accordingly, we revised Appendix D and reposted the report. The change was based on unaudited data provided by ICE through telephone conversations and a press release. The revised report is documented in AS4.e. The report was distributed as an attachment to the email documented in AS4.f.

**Snow, Holly**

---

**From:** Pettersen, Sean [REDACTED] b6  
**Sent:** Friday, July 01, 2011 7:36 AM  
**To:** Snow, Holly; Butler, Jewel; Crownover, Gary; Coccaro, Marisa; Trodden, Sharon; Clark, Elizabeth  
**Subject:** FW: Some internet buzz regarding the "Supervision" report

FYI...

---

**From:** Herman, Andrew  
**Sent:** Thursday, June 30, 2011 4:52 PM  
**To:** Pettersen, Sean  
**Subject:** Some internet buzz regarding the "Supervision" report

Hey Sean -- I hope this message finds you well. FYI -- It looks like the "Supervision" report is causing some internet buzz about Israel being included in the list of SDC subject to the TAC check. Below is one of a number of sources citing our report due to Israel's inclusion in the list of SDCs.

Take care!  
Andrew.

<http://cnsnews.com/news/article/us-designates-israel-country-tends-promo>

"... The Department of Homeland Security's Office of Inspector General published the list of "specially designated countries" as an appendix to an unclassified May 11 report--"Supervision of Aliens Commensurate With Risk"--that was publicly posted on the Internet. (The appendix is on page 18 of the document.) As a matter of policy, according to the inspector general's report, citizens of Israel and other "specially designated countries" are subjected to a special security screening called a "Third Agency Check" (TAC) when they are actually detained by Immigration and Customs Enforcement (ICE), the division of the Department of Homeland Security responsible for enforcing the immigration laws.

"... In its official response to the report, ICE objected to this recommendation by the inspector general because the agency says it does not have sufficient resources to do TACs on all aliens from the specially designated countries. Even though the administration includes Israel among "specially designated countries" that it believes "have shown a tendency to promote, produce, or protect terrorist organizations or their members," ICE Spokeswoman Gillian Christensen told CNSNews.com that the U.S. also considers Israel, as well as some other countries on the "specially designated countries" list, as partners in the struggle against terrorism. "The U.S. does not and never has considered Israel to have links to terrorism, but rather they are a partner in our efforts to combat global terrorism," Christensen said in a written statement. "Countries may have been included on the list because of the backgrounds of arrestees, not because of the country's government itself." "The United States maintains close intelligence-sharing relationships with many of these countries in order to address security issues within their own borders and in our mutual pursuit of safety and security around the globe," said Christensen. ICE declined to say who put Israel on the list or when Israel was put there.

**Thind, Aneet**

---

**From:** Bell, Mark  
**Sent:** Friday, July 01, 2011 4:14 PM  
**To:** [REDACTED] b6  
**Subject:** Fw: U.S. Designates Israel as Country That Tends 'To Promote, Produce, or Protect' Terrorists; Also Calls Israel Anti-Terror Partner ...

---

**From:** [REDACTED] b6  
**Sent:** Friday, July 01, 2011 04:00 PM  
**To:** Richards, Anne; Bell, Mark; Snow, Holly; Butler, Jewel; Pettersen, Sean  
**Subject:** U.S. Designates Israel as Country That Tends 'To Promote, Produce, or Protect' Terrorists; Also Calls Israel Anti-Terror Partner ...

<http://www.cnsnews.com/news/article/us-designates-israel-country-tends-promo>



**Snow, Holly**

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**From:** Snow, Holly  
**Sent:** Friday, July 01, 2011 2:56 PM  
**To:** Bell, Mark  
**Subject:** FW: Did we specifically get [REDACTED] ?  
**Attachments:** TAC Procedure Memo.pdf

---

FYI-this is the first email I sent Anne....

**From:** Snow, Holly  
**Sent:** Friday, July 01, 2011 2:35 PM  
**To:** Richards, Anne  
**Subject:** RE: Did we specifically get [REDACTED] ?

[REDACTED] described in the attached ICE procedure memorandum from Acting Director Victor Cerda (D.12.7 in TeamMate).

Holly Snow

Program Analyst  
DHS-OIG Office of Audits  
Denver Field Office  
(303) [REDACTED] (bb)  
(303) [REDACTED] (office)

b5,  
b6

**From:** Richards, Anne  
**Sent:** Friday, July 01, 2011 2:23 PM  
**To:** Bell, Mark; Snow, Holly  
**Subject:** FW: Did we specifically get [REDACTED] ?

The question wasn't just about [REDACTED]

**From:** Richards, Anne  
**Sent:** Friday, July 01, 2011 4:16 PM  
**To:** Snow, Holly  
**Subject:** Did we specifically get [REDACTED] ?

2 PAGE(S)

Referred to ICE for processing  
and response to the requester

**Thind, Aneet**

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 6:17 PM  
**To:** Richards, Anne  
**Subject:** Re: Did we specifically get [REDACTED]?

OK good. Will do.

**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 06:16 PM  
**To:** [REDACTED]  
**Subject:** Re: Did we specifically get [REDACTED]?

Ok  
CE had already had that doc and email

Let me know if you want anything else

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 06:15 PM  
**To:** Richards, Anne  
**Subject:** Re: Did we specifically get [REDACTED]?

b5,  
b6

CE has a call w/ ICE tomorrow AM.

**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 06:14 PM  
**To:** [REDACTED]  
**Subject:** Re: Did we specifically get [REDACTED]?

You're welcome  
But I'm still interested in what you needed it for

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 06:12 PM  
**To:** Richards, Anne  
**Subject:** Re: Did we specifically get [REDACTED]?

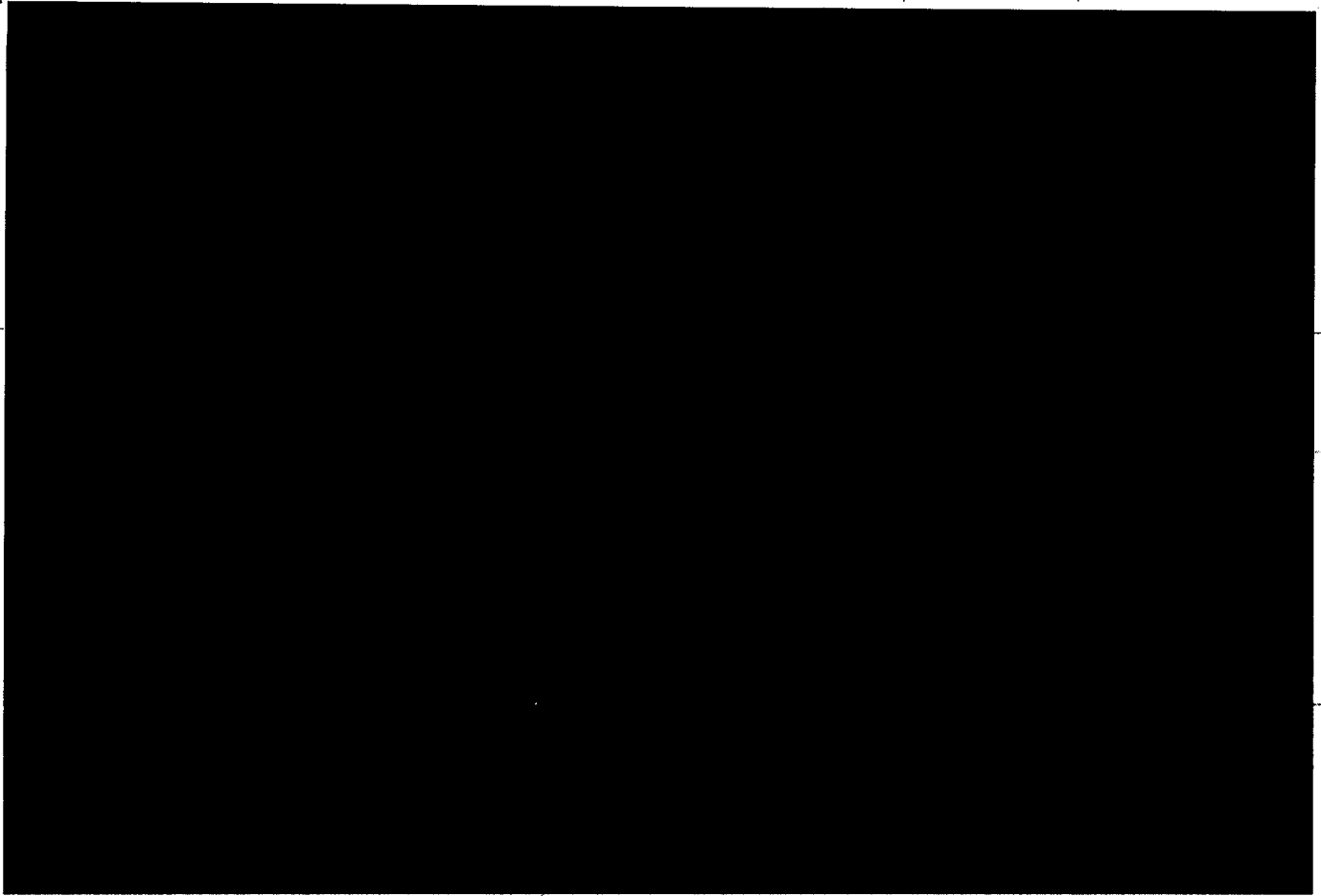
Thank you!

**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 06:08 PM  
**To:** [REDACTED]  
**Subject:** Fw: Did we specifically get [REDACTED]?

DUPLICATE OF EMAIL 3

[REDACTED]

DUPLICATE OF EMAIL 3



Thind, Aneet

---

**From:** Edwards, Charles [REDACTED]  
**Sent:** Thursday, July 07, 2011 6:39 PM  
**To:** [REDACTED]  
**Subject:** RE: Fw: Did we specifically get [REDACTED]?

Thanks, let's talk tomorrow.

Charles K. Edwards  
Acting Inspector General  
Office Of inspector General  
Department of Homeland Security

b5,  
b6

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 06:15 PM Eastern Standard Time  
**To:** [REDACTED]  
**Subject:** Fw: Did we specifically get [REDACTED]?

See below from Anne

**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 06:08 PM  
**To:** [REDACTED]  
**Subject:** Fw: Did we specifically get [REDACTED]?

DUPLICATE OF EMAIL 3

DUPLICATE OF EMAIL 3

**Snow, Holly**

**From:** Bell, Mark  
**Sent:** Friday, July 01, 2011 2:42 PM  
**To:** Snow, Holly  
**Subject:** Re: [REDACTED] Info

Thanks

**From:** Snow, Holly  
**Sent:** Friday, July 01, 2011 04:42 PM  
**To:** Richards, Anne  
**Cc:** Bell, Mark; Pettersen, Sean <[REDACTED]>  
**Subject:** FW: [REDACTED] Info

Anne, here is an email that may be useful. [REDACTED] (Audit Liaison) was unable to [REDACTED]

[REDACTED] provided the [REDACTED]

**Holly Snow**

Program Analyst  
DHS-OIG Office of Audits  
Denver Field Office  
(303) [REDACTED] (bb)  
(303) [REDACTED] (office)

**From:** Pettersen, Sean [mailto:[REDACTED]]  
**Sent:** Friday, January 07, 2011 12:40 PM  
**To:** Snow, Holly  
**Subject:** RE: [REDACTED] Info

Hmmm....that's interesting! I talked to [REDACTED] and discussed the possibility of meeting them next week. [REDACTED] said [REDACTED] was going to talk to [REDACTED]

b5,  
b6

**From:** Snow, Holly [mailto:[REDACTED]]  
**Sent:** Friday, January 07, 2011 12:34 PM  
**To:** Pettersen, Sean  
**Cc:** Crownover, Gary  
**Subject:** FW: [REDACTED] Info

If you get a meeting with [REDACTED]—could you ask about [REDACTED] sent me [REDACTED]  
[REDACTED] that references [REDACTED] I'll ask [REDACTED] if [REDACTED]

But there's another interesting nugget in this document--it says that [REDACTED]  
[REDACTED] Possibly [REDACTED]?

**Holly Snow**

Program Analyst

DHS-OIG Office of Audits  
Denver Field Office  
(303) [REDACTED]

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Friday, January 07, 2011 12:23 PM  
**To:** Snow, Holly  
**Subject:** RE: [REDACTED] Info

Hi Holly,

Here is the closest thing I could find to what you were talking about. I will get [REDACTED] on Monday. Have a great weekend.

[REDACTED]  
Program Review Unit  
Mission Support Division  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
[REDACTED]

(202) [REDACTED] (O) | (202) [REDACTED] (C)

**From:** Snow, Holly [mailto:[REDACTED]]  
**Sent:** Friday, January 07, 2011 12:17 PM  
**To:** [REDACTED]  
**Cc:** Pettersen, Sean  
**Subject:** RE: [REDACTED] Info

Thanks [REDACTED]. Could I also have you [REDACTED]

[REDACTED] ? It was [REDACTED]. I need to [REDACTED]  
just like we did for [REDACTED]

One other thing, [REDACTED] provided us with [REDACTED]

[REDACTED] does not appear to [REDACTED]

Could you provide us with [REDACTED]

[REDACTED] is referenced in [REDACTED]

The draft report is getting very close to issue—you should hear from Sean today with an update. I hope you are having a good start to the New Year, and I'm sure we'll talk soon.

Thanks again!

Holly Snow

Program Analyst  
DHS-OIG Office of Audits  
Denver Field Office  
(303) [REDACTED]

b5,  
b6



**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Monday, January 03, 2011 11:22 AM  
**To:** Snow, Holly  
**Subject:** [REDACTED] Info

Hi Holly,

Happy New Year! Here is the info contained in the file for [REDACTED]. I think that this takes care of [REDACTED]. Let me know if you need anything else. Thanks.

b5,

b6

[REDACTED]  
Program Review Unit  
Mission Support Division  
Enforcement and Removal Operations  
Immigration and Customs Enforcement

(202) [REDACTED] (O) | (202) [REDACTED] (C)

Snow, Holly

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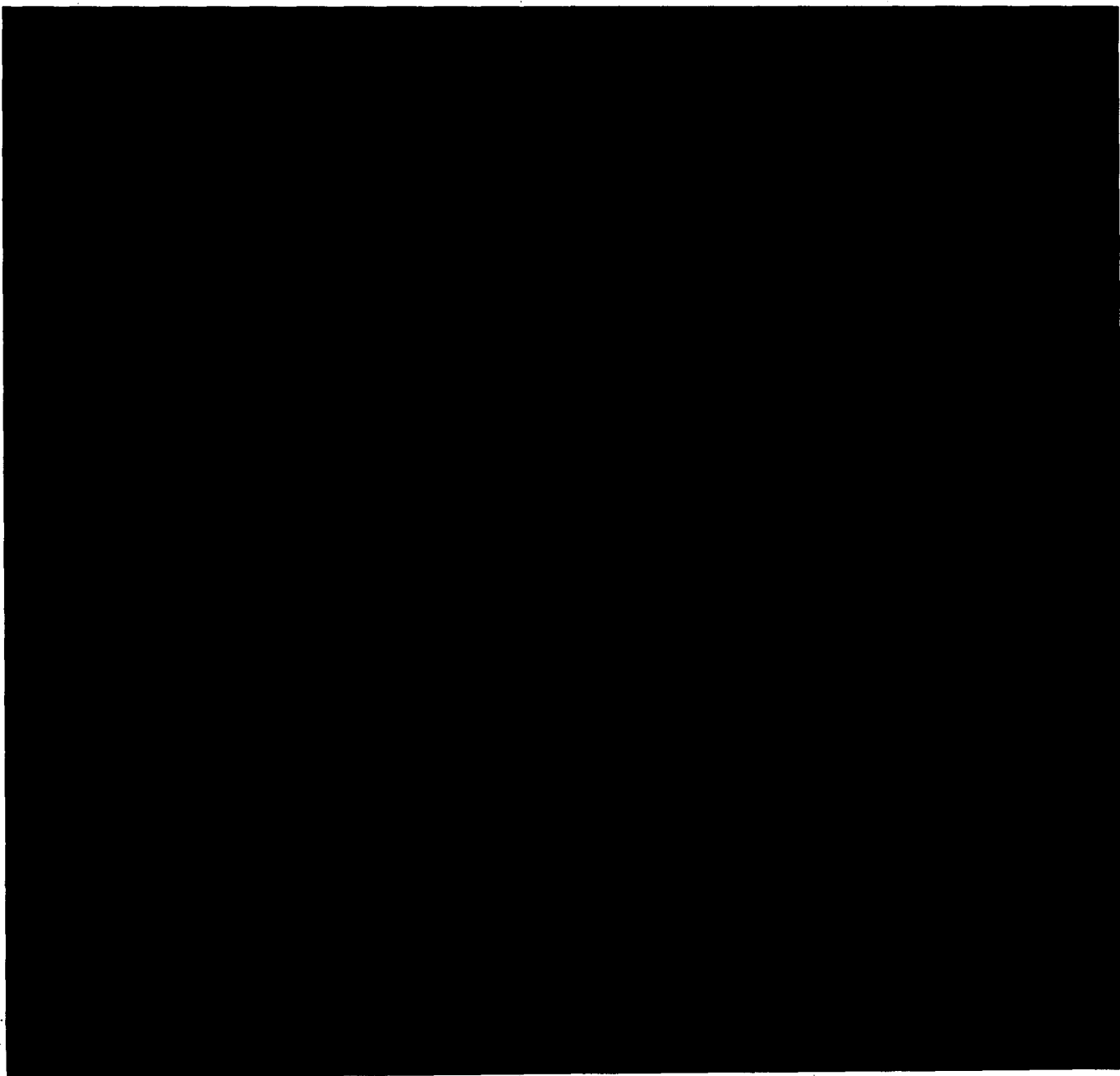
From: Richards, Anne  
Sent: Friday, July 01, 2011 2:49 PM  
To: Snow, Holly  
Subject: Re: [REDACTED] Info b5

Thank you

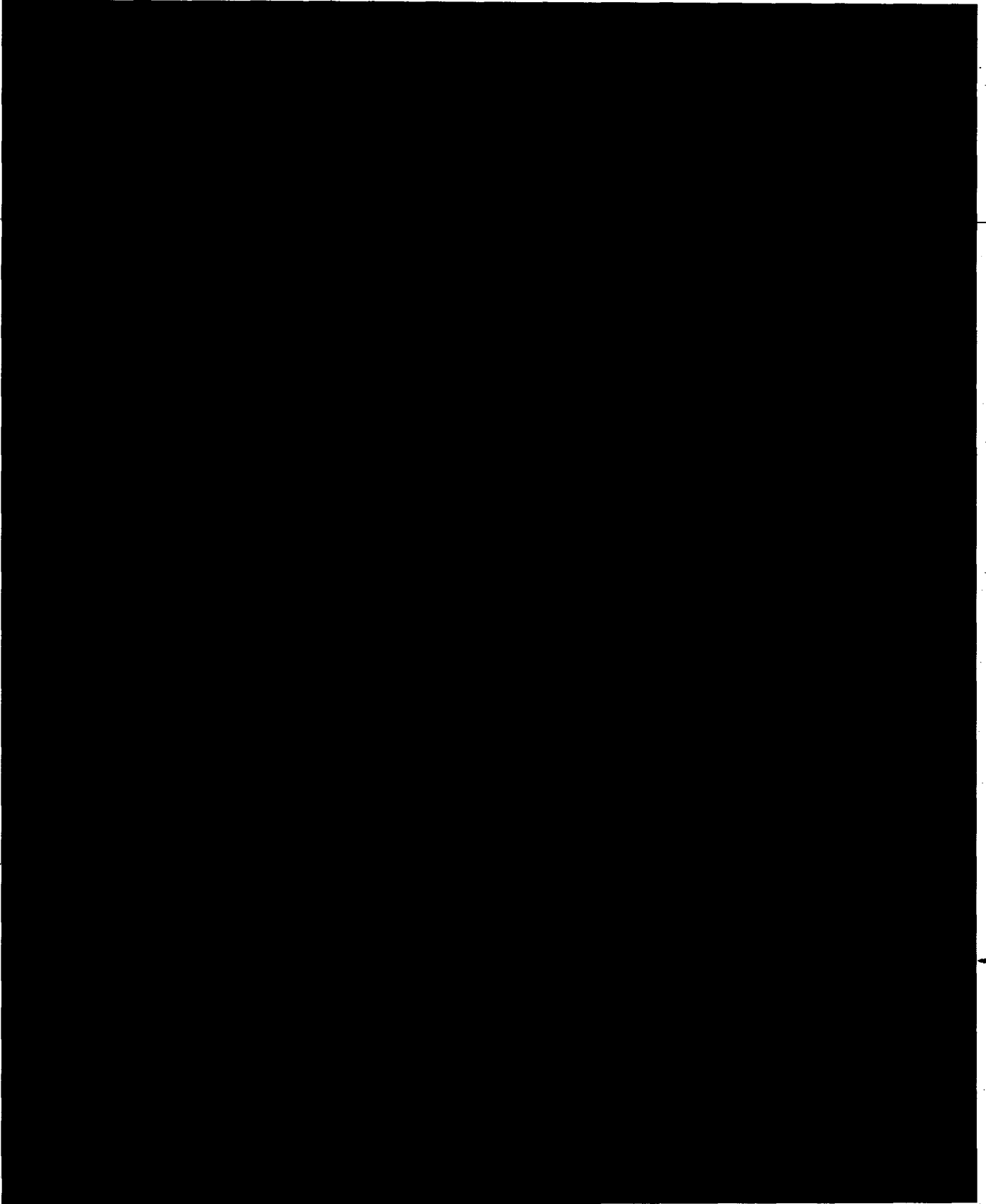
That was very helpful

---

DUPLICATE OF EMAIL 6



DUPLICATE OF EMAIL 6



DUPLICATE OF EMAIL 6



Thind, Aneet

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 5:59 PM  
**To:** Reback, Richard  
**Subject:** Re: [REDACTED] Info

I do not

---

**From:** Reback, Richard  
**Sent:** Thursday, July 07, 2011 05:55 PM  
**To:** [REDACTED]  
**Subject:** RE: [REDACTED] Info

Thanks. Do you have the email that is [REDACTED]?

---

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 5:24 PM  
**To:** Reback, Richard  
**Subject:** FW: [REDACTED] Info

FYI – see below.

---

**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 5:23 PM  
**To:** [REDACTED]  
**Subject:** RE: [REDACTED] Info

b5,  
b6

[REDACTED]  
I don't believe [REDACTED] I believe we would need to [REDACTED]  
[REDACTED]

Thanks  
Anne

---

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 5:21 PM  
**To:** Richards, Anne  
**Cc:** Reback, Richard  
**Subject:** RE: [REDACTED] Info

Is the attached document [REDACTED]? If you do not know, is the a POC we can check with?

Please let us know.


Thanks,  
[REDACTED]

---

**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 3:51 PM

To: [REDACTED] b6  
Subject: FW: [REDACTED] Info

DUPLICATE OF EMAIL 6



**Thind, Aneet**

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 6:07 PM  
**To:** [REDACTED]  
**Subject:** Fw: [REDACTED] Info

How do you want [REDACTED]?

---

**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 06:05 PM  
**To:** [REDACTED]  
**Subject:** Re: [REDACTED] Info

b5,  
b6

Yes  
[REDACTED]?

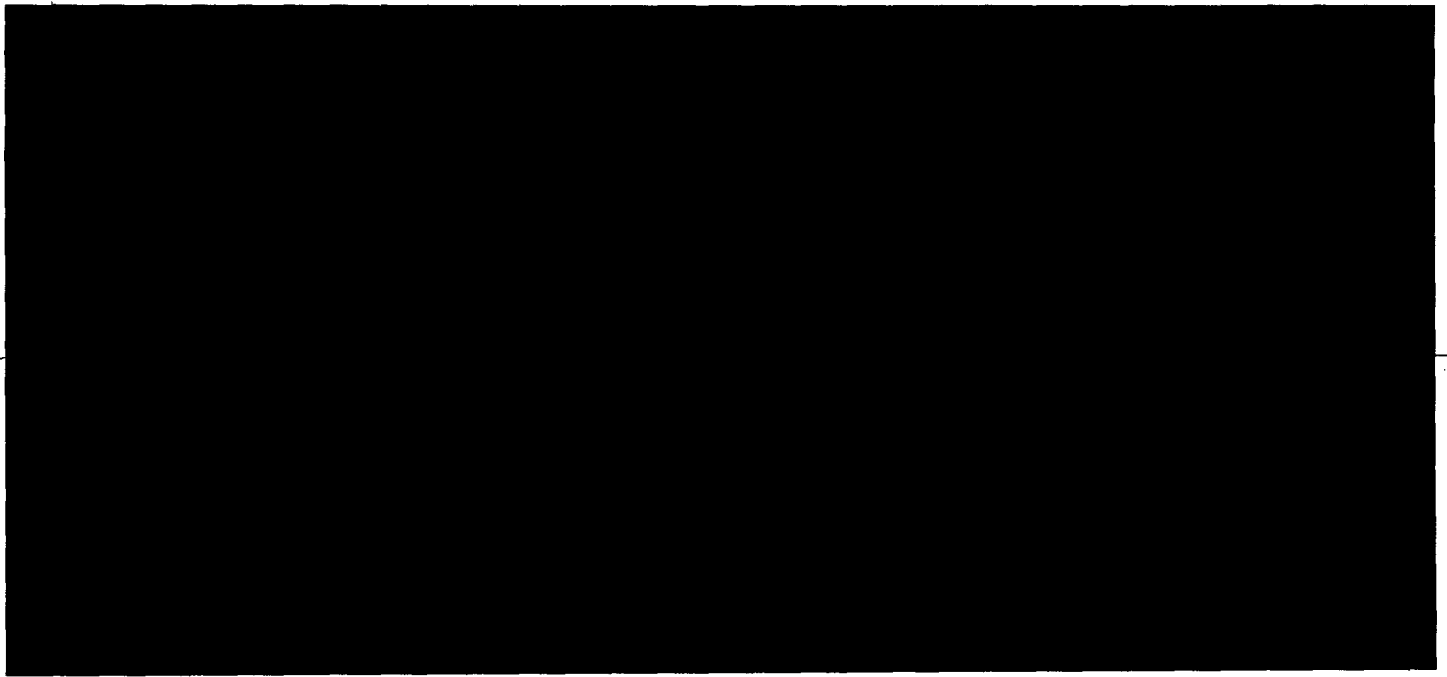
---

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 06:04 PM  
**To:** Richards, Anne  
**Cc:** [REDACTED]  
**Subject:** Re: [REDACTED] Info

Anne, Are you able to send us the [REDACTED] email referenced below? Bottom of chain?  
DUPLICATE OF EMAIL 8



DUPLICATE OF EMAIL 8





3 PAGE(S)

Duplicate ICE Memo held in  
the file. Memo was referred to  
ICE with email no. 42

Thind, Aneet

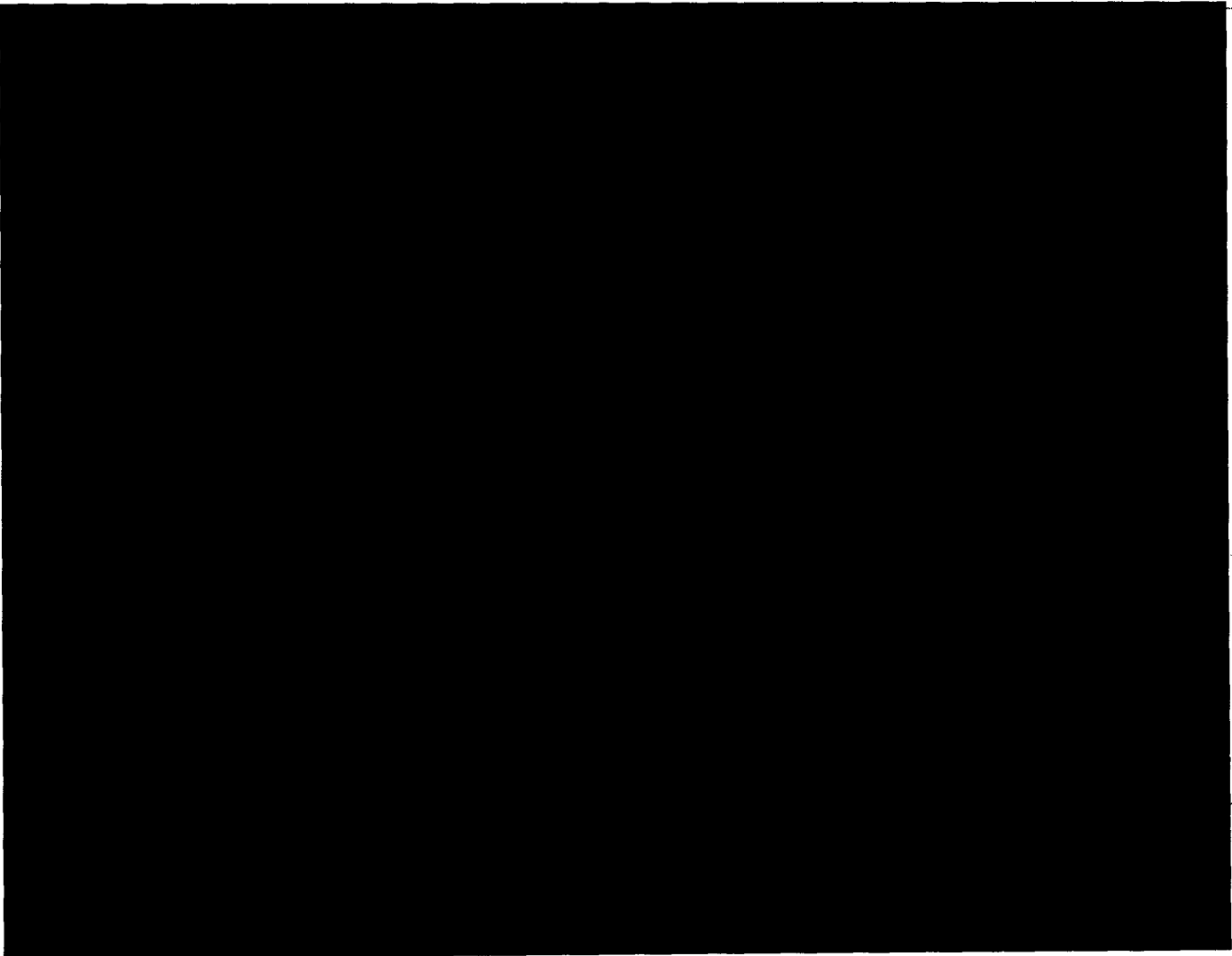
From: [REDACTED]  
Sent: Thursday, July 07, 2011 6:12 PM  
To: [REDACTED]  
Subject: Fw: [REDACTED] Info  
Attachments: TAC.pdf

See below

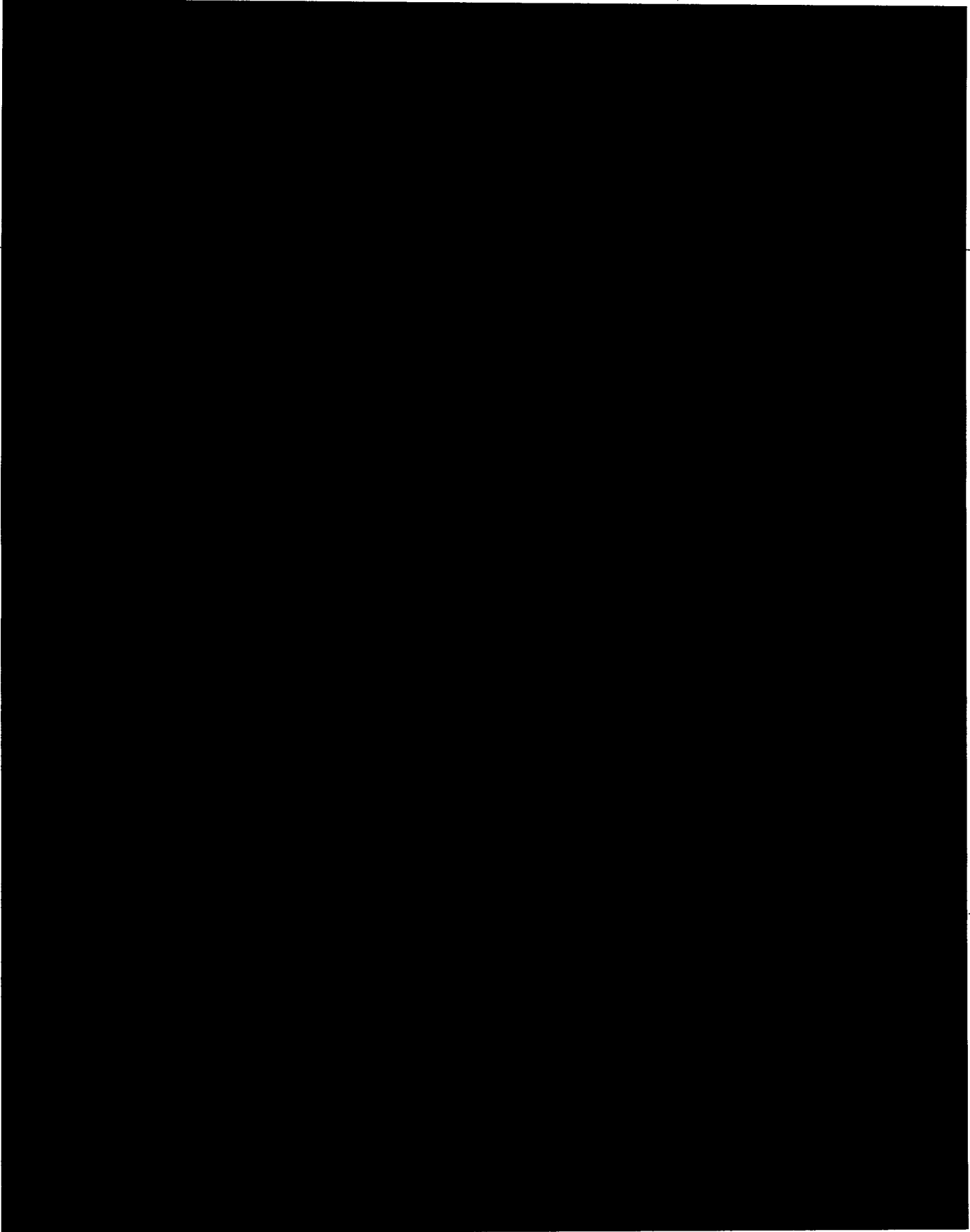
b5,  
b6

From: Richards, Anne  
Sent: Thursday, July 07, 2011 06:08 PM  
To: [REDACTED]  
Subject: Fw: [REDACTED] Info

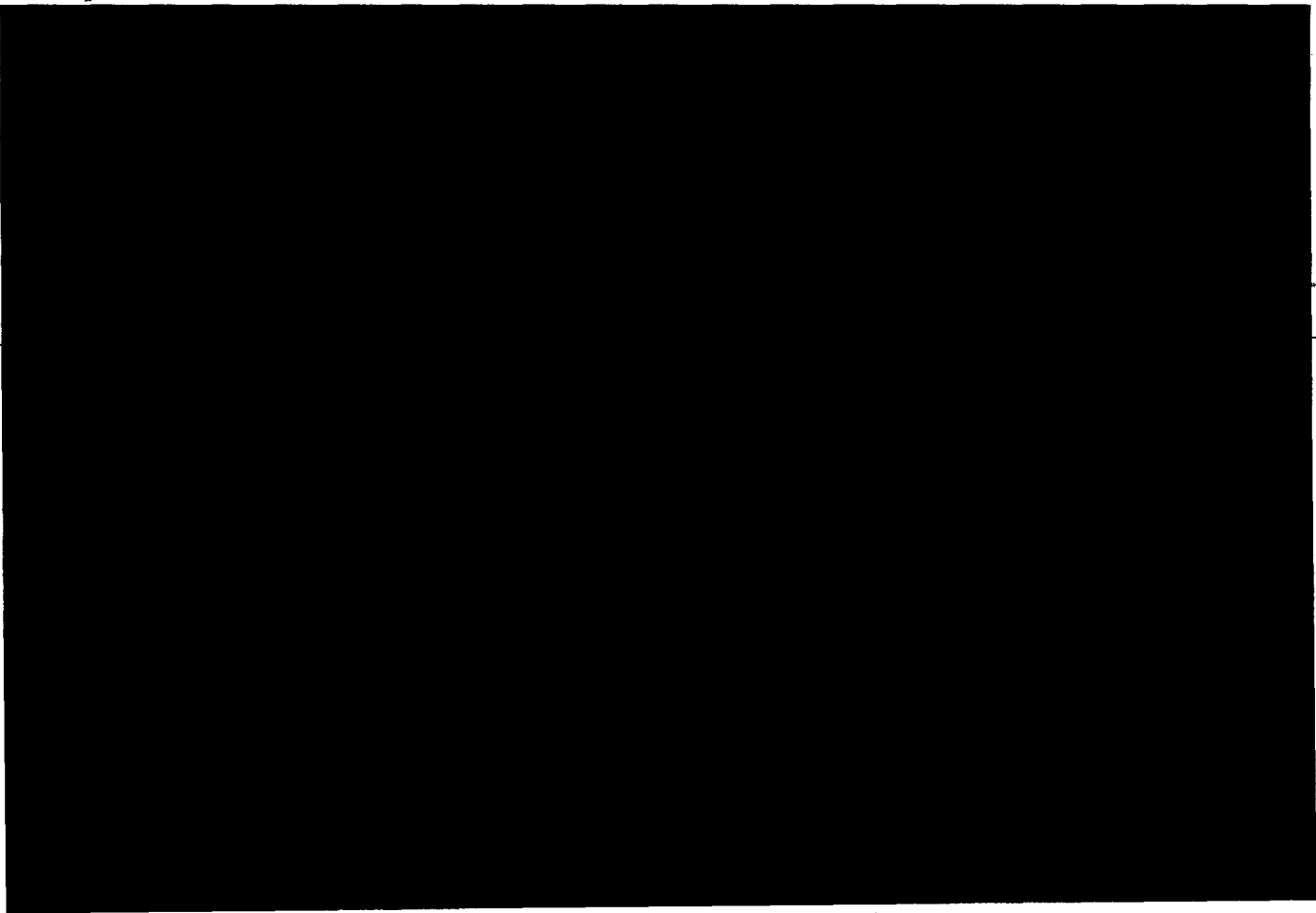
DUPLICATE OF EMAIL 6



DUPLICATE OF EMAIL 6



· DUPLICATE OF EMAIL 6.



Thind, Aneet

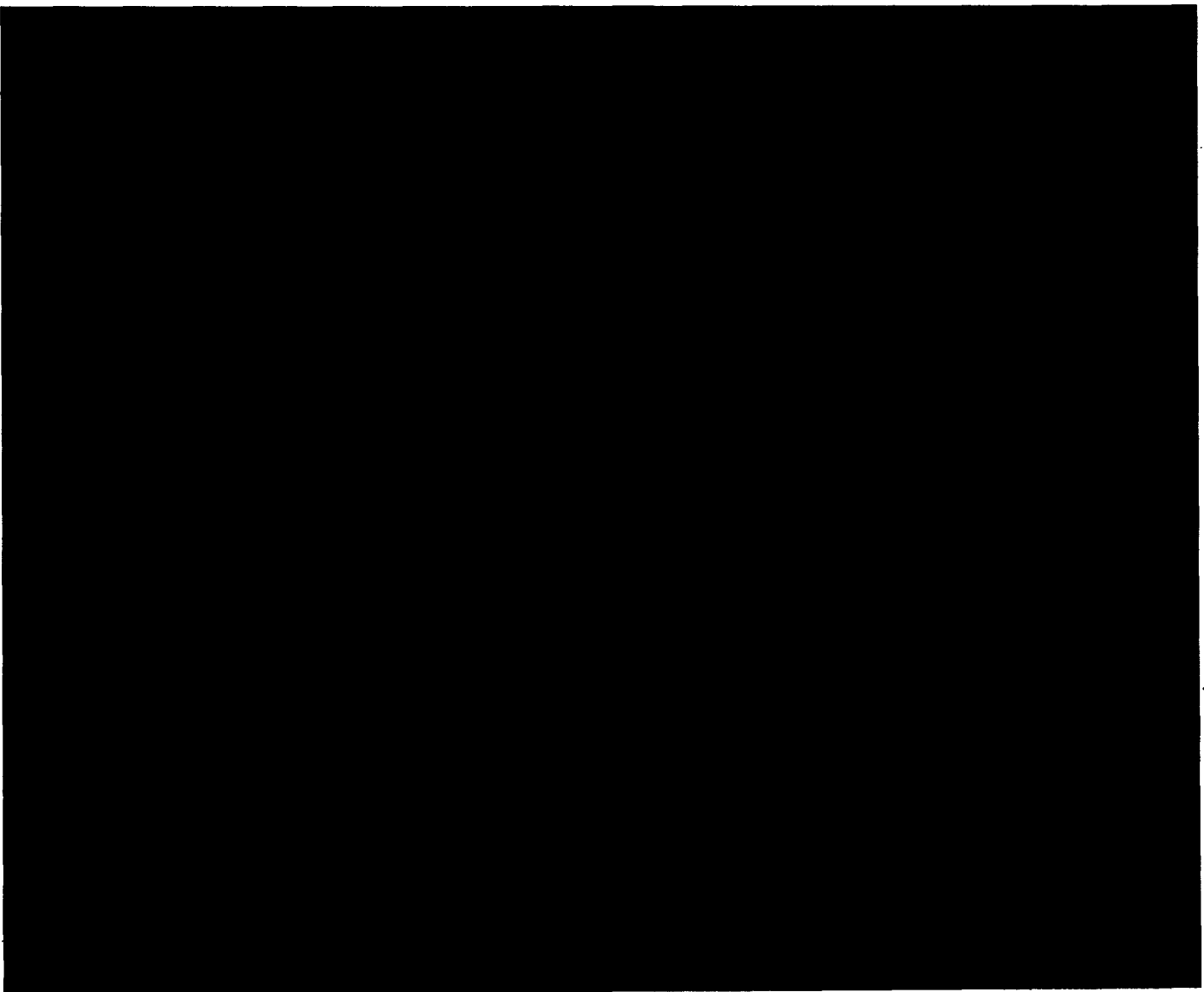
From: [REDACTED]  
Sent: Thursday, July 07, 2011 6:22 PM  
To: [REDACTED]  
Subject: Re: [REDACTED] Info

She forwarded them to me -- I sent them to you too.

b5,  
b6

From: Reback, Richard [mailto:[REDACTED]]  
Sent: Thursday, July 07, 2011 06:21 PM  
To: [REDACTED]  
Subject: RE: [REDACTED] Info

I thought it might [REDACTED] If it's just [REDACTED] then we don't need it.  
DUPLICATE OF EMAIL 9



DUBLICATE OF EMAIL 9



Snow, Holly

---

From: Richards, Anne  
Sent: Friday, July 01, 2011 1:31 PM  
To: Pettersen, Sean; Butler, Jewel; Snow, Holly; Bell, Mark  
Subject: supervision of aliens commensurate with risk

Importance: High

[REDACTED] In our report (p. 5) we say --In addition to the Terrorist Watchlist screening, ICE uses a Third Agency Check (TAC) to screen aliens from specially designated countries (SDCs) that have shown a tendency to promote, produce, or protect terrorist organizations or their member s (see appendix D for a list of SDCs). [REDACTED]

b5

[REDACTED] is getting calls about why Israel is included. [REDACTED]

Thanks  
Anne

**Snow, Holly**

---

**From:** Snow, Holly  
**Sent:** Friday, July 01, 2011 2:02 PM  
**To:** Richards, Anne  
**Subject:** RE: ICE supervision of aliens commensurate with risk

Absolutely. Let me know if you need anything else.

---

Holly Snow

Program Analyst  
DHS-OIG Office of Audits  
Denver Field Office  
(303) [REDACTED] (bb)  
(303) [REDACTED] (office)

**From:** Richards, Anne  
**Sent:** Friday, July 01, 2011 1:56 PM  
**To:** Snow, Holly; Pettersen, Sean; Butler, Jewel  
**Cc:** Bell, Mark  
**Subject:** FW: ICE supervision of aliens commensurate with risk

Thanks Holly

---

**From:** Richards, Anne  
**Sent:** Friday, July 01, 2011 3:55 PM  
**To:** Edwards, Charles; Manino, Yvonne; [REDACTED]  
**Cc:** Metelko, Marty; Bell, Mark; [REDACTED]  
**Subject:** ICE supervision of aliens commensurate with risk

b5,  
b6

Charles

The information defining the specially designated countries was provided by ICE, [REDACTED]

[REDACTED] We later

but neither

and we could not

An explanation of [REDACTED]

The information below is directly from the summary workpaper supporting the report.

Thanks  
Anne

---

**From:** Bell, Mark [mailto:[REDACTED]]  
**Sent:** Friday, July 01, 2011 3:45 PM  
**To:** Richards, Anne  
**Subject:** here you go



[REDACTED]

According to [REDACTED] should be [REDACTED] does not apply to [REDACTED]  
[REDACTED] provided us with [REDACTED] UPDATE [REDACTED]  
12/29/10: We received [REDACTED] It includes [REDACTED]  
[REDACTED] According to [REDACTED]  
[REDACTED] We performed our analysis [REDACTED]  
Although [REDACTED] we were not provided [REDACTED]  
[REDACTED] contained an issuing date [REDACTED]

b5,  
b6

*Mark Bell*  
DHS-OIG Office of Audit  
Deputy Assistant Inspector General for Audit  
202-[REDACTED] W  
202-[REDACTED] BB

**Thind, Aneet**

---

**From:** Bell, Mark  
**Sent:** Friday, July 01, 2011 3:47 PM  
**To:** 'Pettersen, Sean'; Snow, Holly  
**Subject:** FW: here you go

What Anne is sending along.

---

*Mark Bell*

DHS-OIG Office of Audit  
Deputy Assistant Inspector General for Audit  
202- [REDACTED] W  
202- [REDACTED] BB

---

**From:** Bell, Mark  
**Sent:** Friday, July 01, 2011 3:45 PM  
**To:** 'Richards, Anne'  
**Subject:** here you go

b5,  
b6

The [REDACTED] was provided by:

[REDACTED]

DUPLICATE OF EMAIL 13

[REDACTED]

**Snow, Holly**

**From:** Herman, Andrew [REDACTED]  
**Sent:** Friday, July 01, 2011 3:49 PM  
**To:** [REDACTED]  
**Subject:** Re: ICE supervision of aliens commensurate with risk

Looking forward to seeing you also...again Holly, [REDACTED]

Take care -- Andrew

**From:** Snow, Holly [mailto:[REDACTED]]  
**Sent:** Friday, July 01, 2011 05:44 PM  
**To:** [REDACTED]  
**Subject:** Re: ICE supervision of aliens commensurate with risk

Thanks Andrew-Sean shared the article, so I at least had a heads up when I got Anne's urgent request for a response for the S1. That sure got my blood pumping! I shared everything we had, so hopefully the issue is resolved! What a Friday!

I hope you have a great holiday! By the way I'm coming to Chicago the week of the 18th to join your training. I look forward to seeing you and Marisa too!

Holly Snow

DHS-OIG Office of Audits

Denver Field Office

303-[REDACTED] (bb)

303-[REDACTED] (office)

**From:** Herman, Andrew [mailto:[REDACTED]]  
**Sent:** Friday, July 01, 2011 05:21 PM  
**To:** [REDACTED]  
**Subject:** Re: ICE supervision of aliens commensurate with risk

Thanks Holly. I saw a lot of internet buzz yesterday about how / why Israel was included in the SDC list and forwarded one of the links to Sean. I meant to copy you also.

Andrew

**From:** Snow, Holly [mailto:[REDACTED]]  
**Sent:** Friday, July 01, 2011 04:06 PM  
**To:** Crownover, Gary [REDACTED]; Herman, Andrew [REDACTED]; Cocco, Marisa [REDACTED]  
**Subject:** FW: ICE supervision of aliens commensurate with risk

**From:** Bell, Mark  
**Sent:** Friday, July 01, 2011 1:56 PM  
**To:** Snow, Holly; Pettersen, Sean  
**Subject:** FW: ICE supervision of aliens commensurate with risk

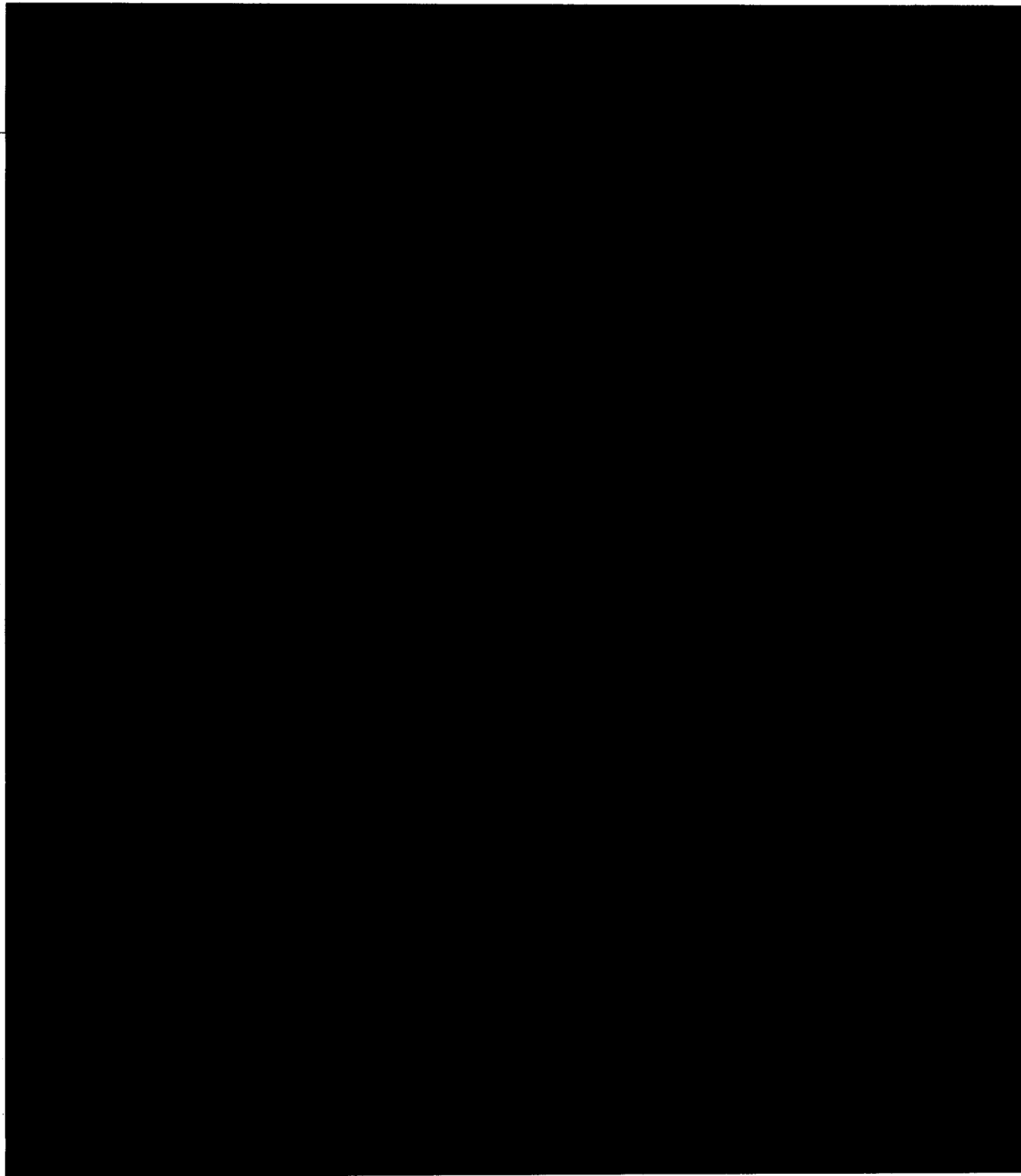
FYI

*Mark Bell*  
DHS-OIG Office of Audit

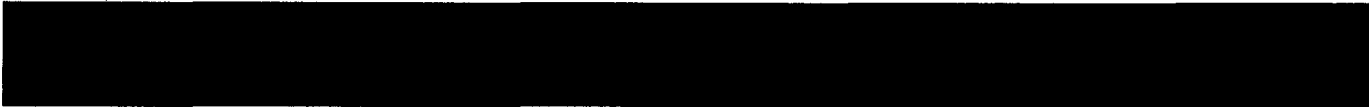
Deputy Assistant Inspector General for Audit

202- [REDACTED] W ] b6  
202- [REDACTED] BB ]

DUPLICATE OF EMAIL 13



DUPLICATE OF EMAIL 13



**From:** Metelko, Marty  
**Sent:** Tuesday, July 05, 2011 10:07 AM  
**To:** Nantel, Kelly A  
**Cc:** [REDACTED]  
**Subject:** FW: ICE supervision of aliens commensurate with risk

Kelly: Just tried to reach you but vm message stated I reached [REDACTED] I hope I'm getting the info. to the correct person our your way. We've been receiving calls from Israeli reporters asking how Israel was placed on the "Specially Designated Countries" list. We've let reporters know that we received the list from ICE and it would be your office that could answer the question.

Here's the link to our report, OIG-11-81 [Supervision of Aliens Commensurate with Risk](#)

[http://www.dhs.gov/xoig/assets/mgmtrpts/OIG\\_11-81\\_May11.pdf](http://www.dhs.gov/xoig/assets/mgmtrpts/OIG_11-81_May11.pdf)

b6

I just wanted to give you a quick "heads-up," as you may be receiving calls soon if you haven't had calls already.

Thanks.-Marty

Marta Rivera Metelko  
Director, Public Affairs  
Office of Inspector General  
Department of Homeland Security  
202. [REDACTED] / 202. [REDACTED]  
Fax: 202. [REDACTED]

Thought the info. below would be helpful:  
DUPLICATE OF EMAIL 13

7/26/2011

**From:** Metelko, Marty  
**Sent:** Tuesday, July 05, 2011 11:31 AM  
**To:** 'Gonzalez, Barbara'; Metelko, Marty  
**Cc:** [REDACTED]; Hale, Brian P  
**Subject:** RE: ICE supervision of aliens commensurate with risk

Thanks- this is helpful.

b6

Marta Rivera Metelko  
Director, Public Affairs  
Office of Inspector General  
Department of Homeland Security  
202. [REDACTED] / 202. [REDACTED]  
Fax: 202. [REDACTED]

Portion referred to ICE for review and direct response



**From:** Metelko, Marty [mailto:[REDACTED]]  
**Sent:** Tuesday, July 05, 2011 10:11 AM  
**To:** Gonzalez, Barbara  
**Cc:** [REDACTED]  
**Subject:** FW: ICE supervision of aliens commensurate with risk

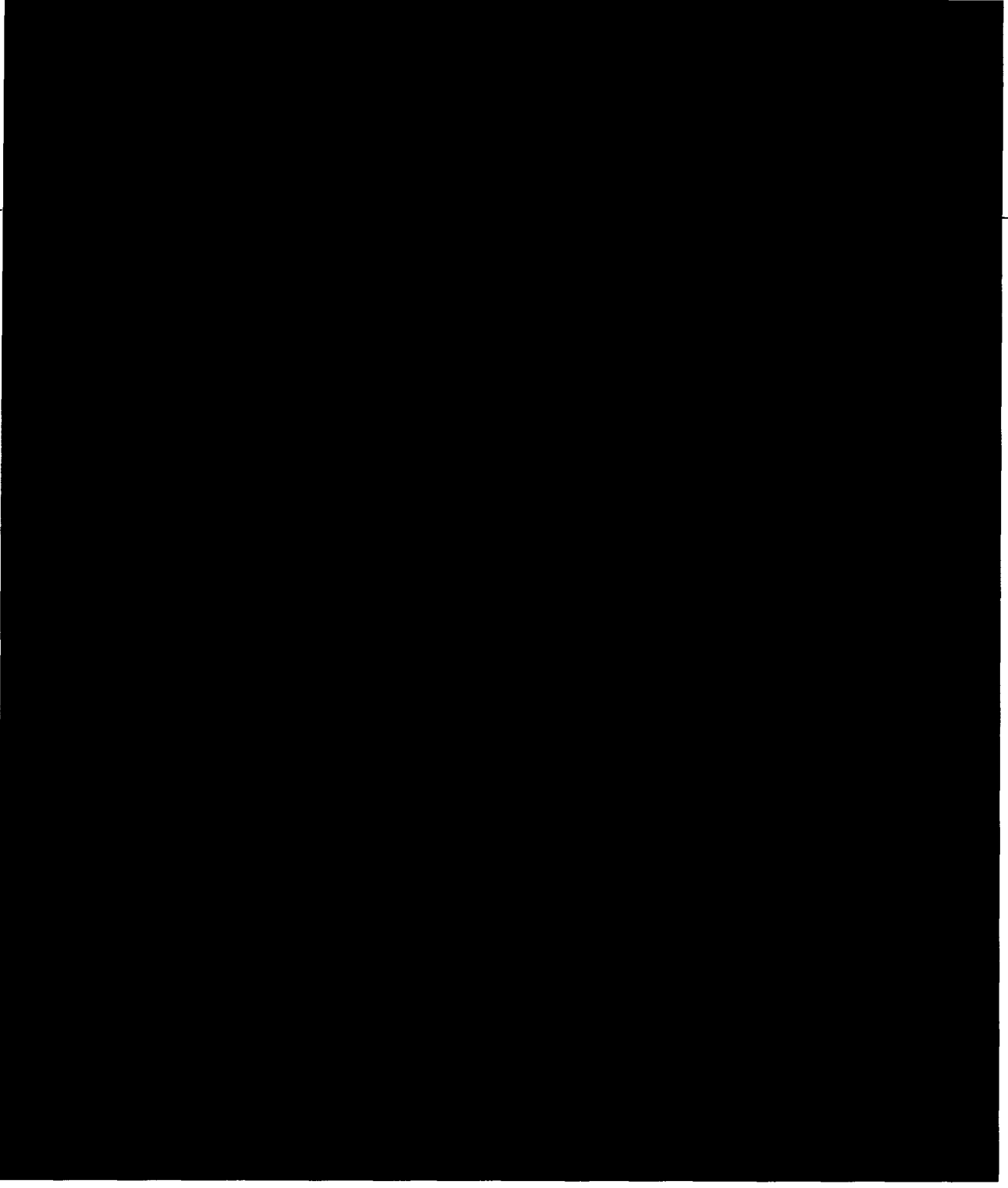
b6

Hi Barbara: This is Marty Metelko from the DHS OIG. I just sent this to Kelly and received her "out of office." I also left you a voicemail.

Let me know if there's anything you may need from me.-Marty

7/26/2011

DUPLICATE OF EMAIL 16



7/26/2011



**Snow, Holly**

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**From:** Snow, Holly  
**Sent:** Friday, July 01, 2011 3:17 PM  
**To:** Richards, Anne  
**Subject:** Re: contents of official position

Thank you Anne!

Holly Snow  
DHS-OIG Office of Audits  
Denver Field Office  
303- [REDACTED] (bb)  
303- [REDACTED] (office)

---

**From:** Richards, Anne  
**Sent:** Friday, July 01, 2011 05:14 PM  
**To:** Butler, Jewel; Pettersen, Sean; Snow, Holly; Bell, Mark; McCoy, John; [REDACTED]  
**Subject:** contents of official position

If anyone contacts you or anyone in the Office of Audits about this report, please refer them to the Office of Public Affairs. However, for your information only, here is [REDACTED]  
[REDACTED]

The Office of Inspector General [REDACTED]

[REDACTED] Pursuant to [REDACTED] ICE provided [REDACTED]  
[REDACTED] seek to [REDACTED] as  
reflected in [REDACTED]

Likewise, [REDACTED]  
[REDACTED]

Note: in public discussions or comments to press, [REDACTED]  
[REDACTED]

Thanks,

Rick

Additionally, I would like to thank Holly for her quick response and commend the team for good indexing. It was very helpful to get this information so quickly on the Friday before a holiday weekend.

Thank you

Anne

1

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Snow, Holly

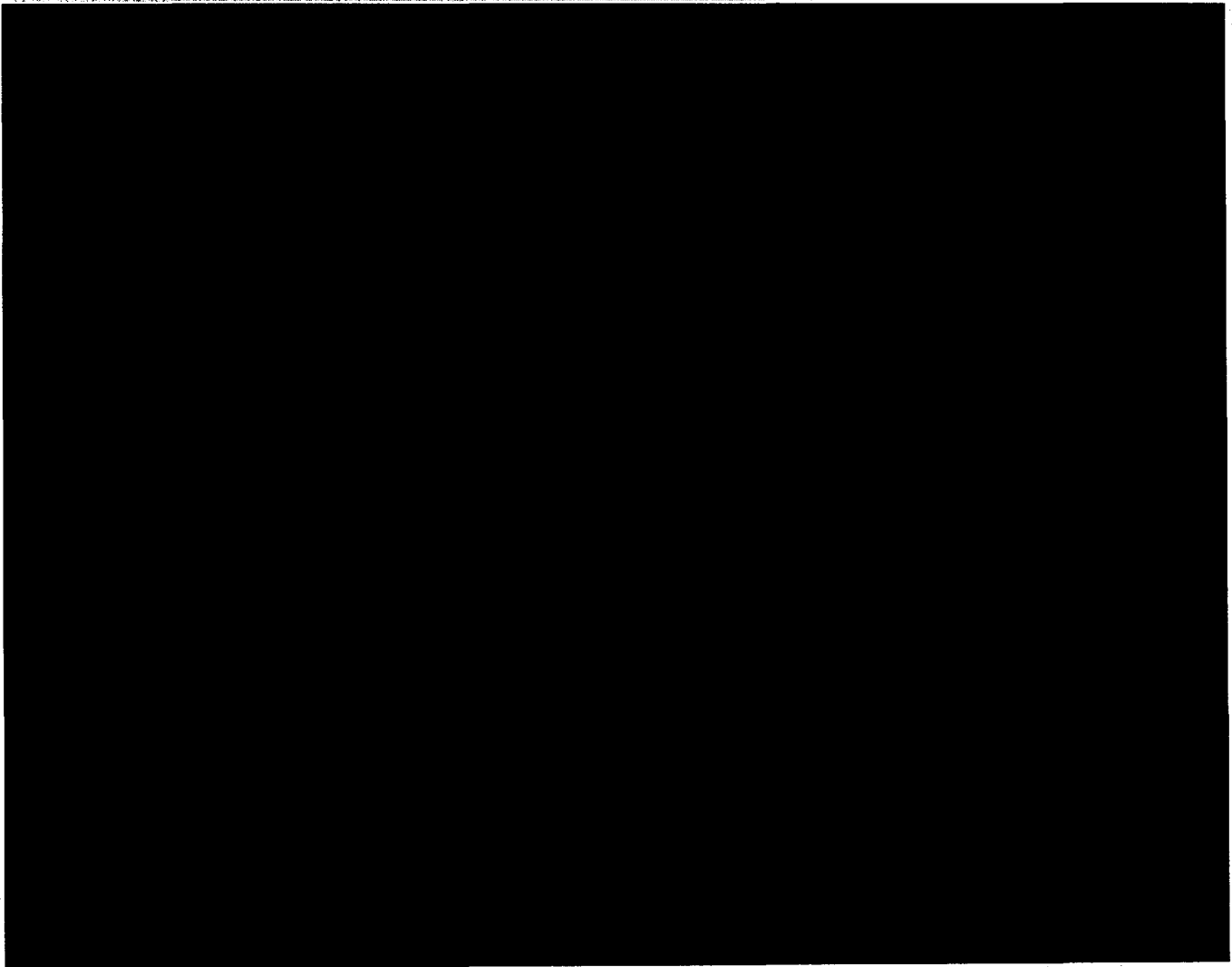
---

From: Herman, Andrew  
Sent: Friday, July 01, 2011 3:23 PM  
To: Snow, Holly  
Subject: Fw: Some internet buzz regarding the "Supervision" report

FYI- Andrew.

DUPLICATE OF EMAIL 1

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Thind, Aneet

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**From:** Metelko, Marty  
**Sent:** Tuesday, July 05, 2011 10:58 AM  
**To:** Reback, Richard  
**Cc:** [REDACTED] b6  
**Subject:** RE: On being a "former".....

Thank you.

---

---

**From:** Reback, Richard  
**Sent:** Tuesday, July 05, 2011 10:57 AM  
**To:** Metelko, Marty  
**Subject:** FW: On being a "former".....

Pursuant to discussion at staff meeting.

---

**From:** Reback, Richard  
**Sent:** Friday, July 01, 2011 5:05 PM  
**To:** Edwards, Charles  
**Cc:** Richards, Anne; Metelko, Marty  
**Subject:** On being a "former".....

The Office of Inspector General [REDACTED]

Pursuant to [REDACTED]

ICE provided [REDACTED]

seek to [REDACTED]

as reflected in the [REDACTED]

Likewise, [REDACTED]

b5

Note: in public discussions or comments to press, [REDACTED]

Thanks,  
Rick

Thind, Aneet

---

**From:** Reback, Richard  
**Sent:** Tuesday, July 05, 2011 11:56 AM  
**To:** Doery, Richard  
**Subject:** RE: On being a "former".....

I hope you

b5

---

**From:** Doery, Richard  
**Sent:** Tuesday, July 05, 2011 11:26 AM  
**To:** Reback, Richard  
**Subject:** RE: On being a "former".....

This was so interesting to read about!


---

**From:** Reback, Richard  
**Sent:** Tuesday, July 05, 2011 11:17 AM  
**To:** Doery, Richard  
**Subject:** FW: On being a "former".....

FYI

DUPLICATE OF EMAIL 20

·DUPLICATE OF EMAIL 20



**Thind, Aneet**

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**From:** Reback, Richard  
**Sent:** Tuesday, July 05, 2011 4:21 PM  
**To:** Metelko, Marty  
**Subject:** RE: On being a "former".....

Thanks, RR

---

**From:** Metelko, Marty  
**Sent:** Tuesday, July 05, 2011 3:41 PM  
**To:** Reback, Richard; Richards, Anne; Edwards, Charles  
**Subject:** RE: On being a "former".....


Portion referred to ICE for review and direct response



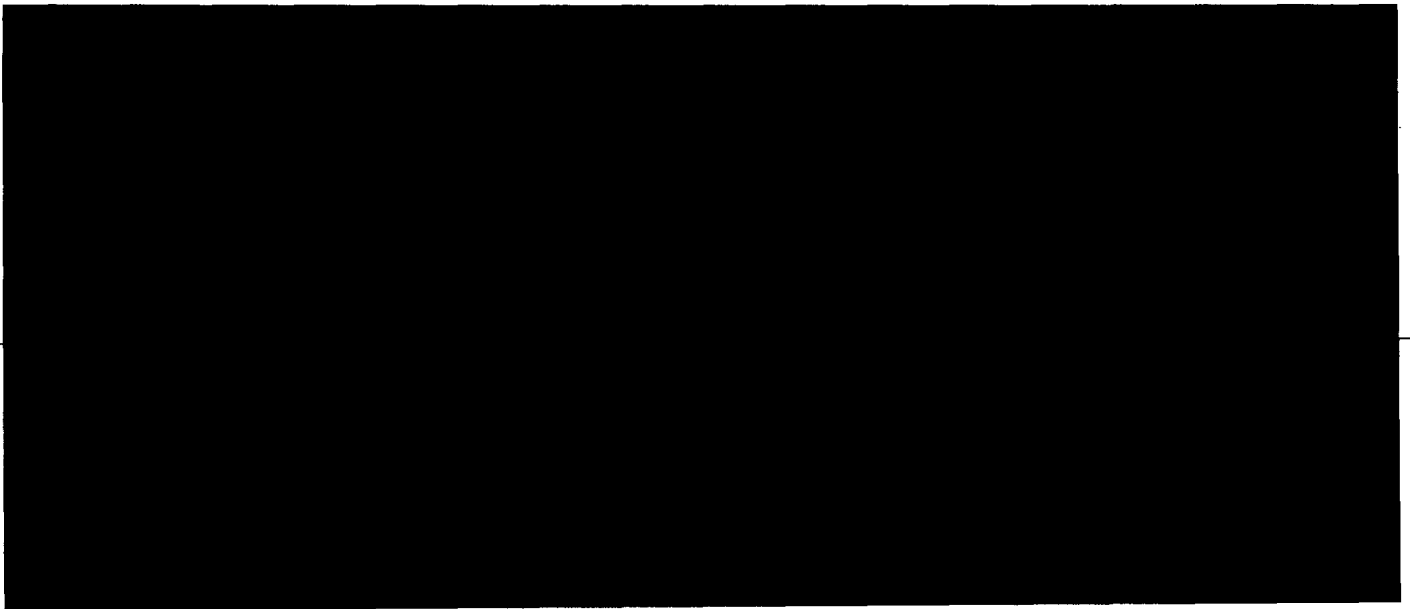
---

**From:** Reback, Richard  
**Sent:** Tuesday, July 05, 2011 10:57 AM  
**To:** Metelko, Marty  
**Subject:** FW: On being a "former".....

Pursuant to discussion at staff meeting.  
DUPLICATE OF EMAIL 20



DUPLICATE OF EMAIL 20





Thind, Aneet

**From:** [REDACTED]  
**Sent:** Wednesday, July 06, 2011 12:50 PM  
**To:** Richards, Anne  
**Subject:** RE: On being a "former".....

Here is a brochure put together by AIPAC on US-Israeli Homeland Security Cooperation...

[http://www.aipac.org/Why%20Israel/~media/Publications-old/Migrated%20Documents/Homeland\\_Security.pdf](http://www.aipac.org/Why%20Israel/~media/Publications-old/Migrated%20Documents/Homeland_Security.pdf)

**From:** Richards, Anne  
**Sent:** Wednesday, July 06, 2011 12:42 PM  
**To:** Metelko, Marty; Reback, Richard; Edwards, Charles  
**Cc:** [REDACTED] Bell, Mark; Butler, Jewel; Snow, Holly; Pettersen, Sean; [REDACTED]  
**Subject:** RE: On being a "former".....

b5,  
b6

I would suggest that if we get any questions we need to [REDACTED]  
[REDACTED] the list provide to us by ICE [REDACTED]

[REDACTED] We should also [REDACTED]

Thanks  
Anne

**From:** Metelko, Marty  
**Sent:** Wednesday, July 06, 2011 12:22 PM  
**To:** Reback, Richard; Edwards, Charles  
**Cc:** Richards, Anne; [REDACTED]  
**Subject:** RE: On being a "former".....  
**Importance:** High

ICE's Press Secretary just sent me the following:  
Portion referred to ICE for review and direct response

[REDACTED]

[REDACTED]

Portion referred  
to ICE for review  
and direct  
response

Not sure [REDACTED] but not sure we have any recourse.-Marty b5

DUPLICATE OF EMAIL 20

[REDACTED]

Thind, Aneet

---

**From:** Richards, Anne  
**Sent:** Wednesday, July 06, 2011 1:20 PM  
**To:** Reback, Richard  
**Subject:** Re: On being a "former".....

Don't know but they claim [REDACTED] Could also [REDACTED]  
[REDACTED]

---

**From:** Reback, Richard  
**Sent:** Wednesday, July 06, 2011 01:04 PM  
**To:** Richards, Anne  
**Subject:** Re: On being a "former".....

Is that true -- [REDACTED] ?

---

**From:** Richards, Anne  
**Sent:** Wednesday, July 06, 2011 01:02 PM  
**To:** Reback, Richard  
**Subject:** RE: On being a "former".....

I'm surprised [REDACTED]  
[REDACTED]

---

**From:** Reback, Richard  
**Sent:** Wednesday, July 06, 2011 12:56 PM  
**To:** Richards, Anne; Edwards, Charles  
**Subject:** RE: On being a "former".....

b5,  
b6

Agree, but that's not really surprising to me. I think [REDACTED] will actually [REDACTED]  
[REDACTED] such as [REDACTED] If they had used [REDACTED] as Anne initially  
suggested, it could be [REDACTED] possibly [REDACTED]  
[REDACTED]

I am surprised that [REDACTED] has suggested that [REDACTED] and possibly  
[REDACTED]

---

**From:** Richards, Anne  
**Sent:** Wednesday, July 06, 2011 12:48 PM  
**To:** Reback, Richard; Edwards, Charles  
**Subject:** RE: On being a "former".....

Yes, but moving forward my concern is that [REDACTED]  
[REDACTED]

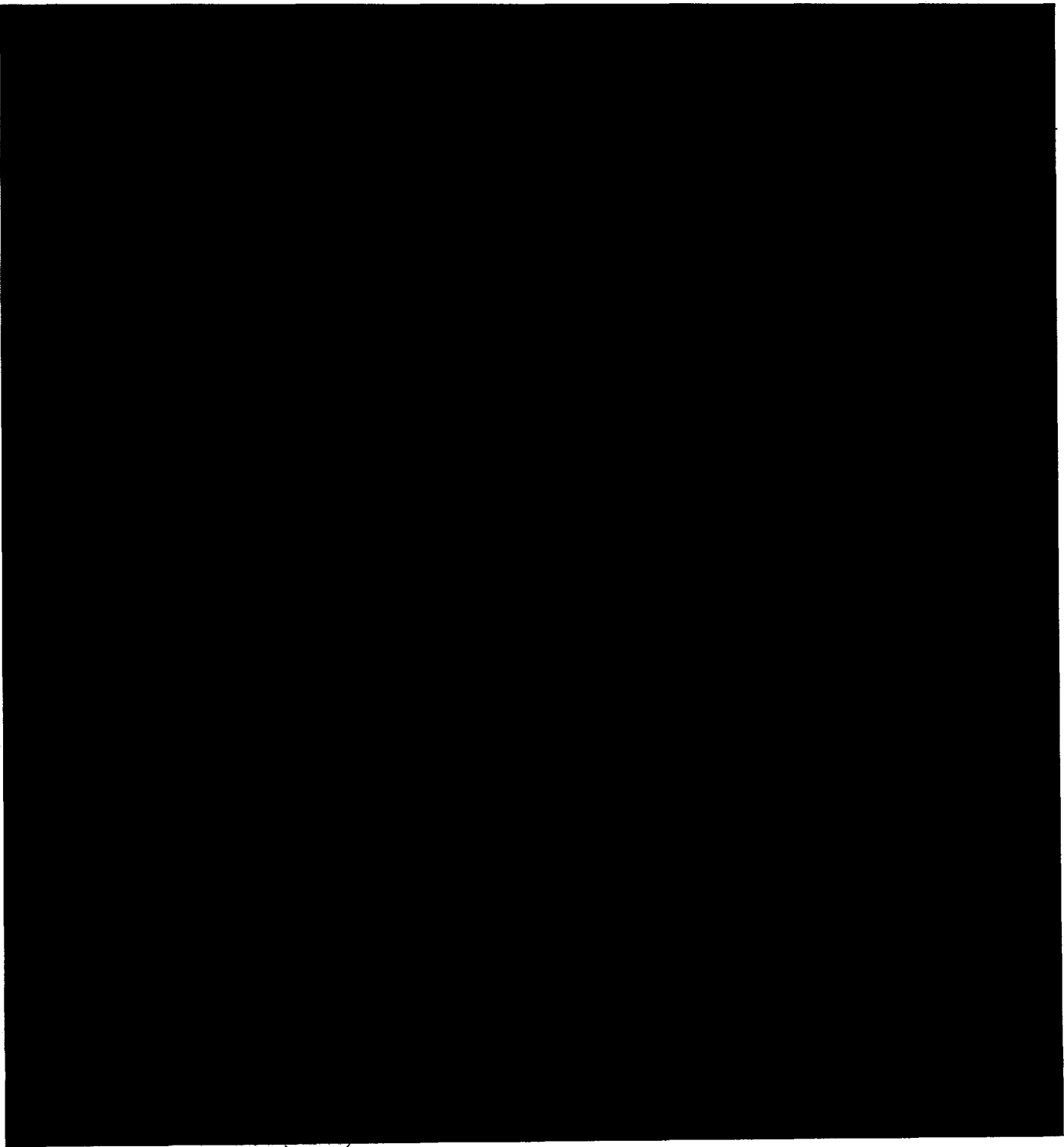
---

**From:** Reback, Richard  
**Sent:** Wednesday, July 06, 2011 12:44 PM  
**To:** Richards, Anne; Edwards, Charles  
**Subject:** RE: On being a "former".....

The language we proffered last night used [REDACTED]

b5

DUPLICATE OF EMAIL 23



DUPLICATE OF EMAIL 23



Thind, Aneet

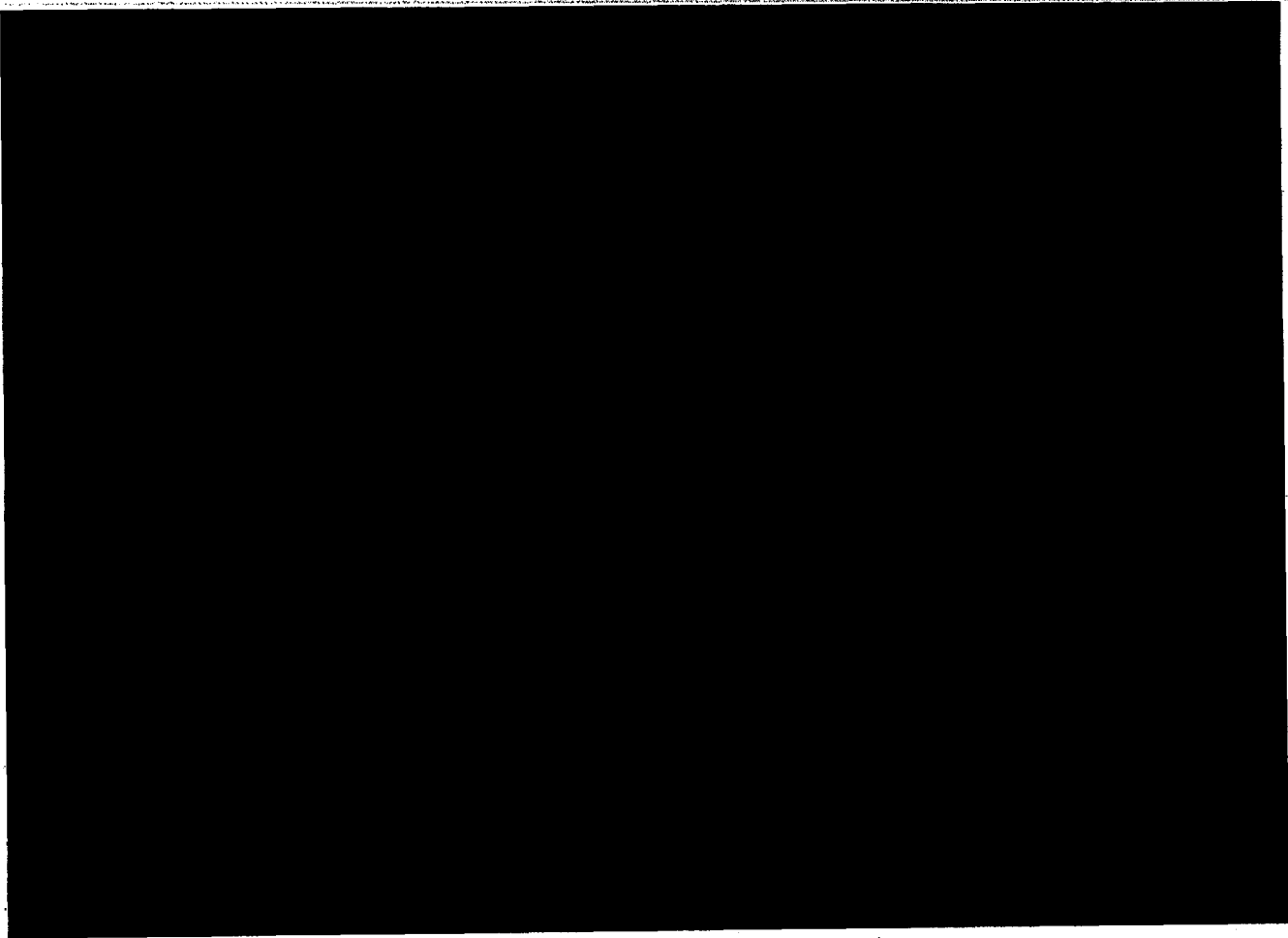
---

From: Richards, Anne [REDACTED]  
Sent: Friday, July 01, 2011 5:17 PM  
To: Reback, Richard; Edwards, Charles  
Subject: additional support for [REDACTED]  
Attachments: TAC Procedure Memo.pdf

b5,  
b6

The memo attached quotes [REDACTED]

DUPLICATE OF EMAIL 3



2 PAGE(S)

Duplicate ICE Memo held in  
the file. Memo was referred to  
ICE with email no. 3

## Thind, Aneet

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**From:** Richards, Anne  
**Sent:** Tuesday, July 05, 2011 11:08 AM  
**To:** Bebow, Brooke; Bell, Mark; Best, Alexander; Butler, Jewel; John, Sandra; Johnson, Richard; LaRouche, Roger; McCoy, John; O'Malley, Patrick; Sivi, Michael; Wood, Paul  
**Subject:** FW: Media Week In Review  
**Attachments:** Media Week in Review- 07 05 11.doc

---

**From:** Metelko, Marty  
**Sent:** Tuesday, July 05, 2011 11:07 AM  
**To:** AIGs  
**Cc:** McCarron, William; [REDACTED] b6  
**Subject:** Media Week In Review

As promised:

### SYNOPSIS

- The OIG was featured in a wide spectrum of outlets, from regional to national, including security and political themed blogs.

### KEY QUOTES

- None

### TWITTER/BLOGS/ETC.

- Aviation Week: GAO Studies Security at GA Airports By Kerry Lynch
- Jewish Telegraphic Agency: U.S. immigration includes Israel on watch list

### PRESS COVERAGE

ICE  
CNSNews, U.S. Designates Israel as Country That Tends 'To Promote, Produce, or Protect' Terrorists; Also Calls Israel Anti-Terror Partner By Edwin Mora

June 29, 2011. In an implicit admission that Israel is so threatened by terrorism that it is not only surrounded by countries and territories that produce terrorists but also unwillingly harbors terrorists within its own territory in a way that most other nations in the world do not, the Obama administration is currently listing Israel among 36 "specially designated countries" it believes "have shown a tendency to promote, produce, or protect terrorist organizations or their members."

\*Also reposted in Fox News, Newsmax.com.

World Tribune, On U.S. list of countries which 'promote, produce, or protect' terrorists: All of Middle East

July 1, 2011. WASHINGTON — The United States has deemed that the entire Middle East, including leading allies, were harboring insurgents.

### Project Shield

Chicago Sun-Times, Preckwinkle axes troubled 'Project Shield' By Carol Marin and Don Moseley

June 30, 2011. Seven years and \$44 million questionably spent federal dollars later, Cook County Board President Toni Preckwinkle on Thursday pulled the plug on "Project Shield," a failed Homeland Security program initiated and continued by her two predecessors, John and Todd Stroger.

Chicago Tribune, Cook County scraps faulty policy car camera program By Erikka Slife

June 30, 2011. Cook County officials on Thursday pulled the plug on a troubled \$44 million effort that left faulty cameras in police cars.

Examiner.com, Controversial post 9/11 program nixed By Cynthia Hodges



**July 1, 2011.** On Thursday, Cook County Board President Toni Preckwinkle and Michael Masters, the new Cook County Department of Homeland Security Chief announced a decision to can "Project Shield," a failed Homeland Security program initiated under John Stroger.

OIG Media Coverage  
Week in Review: June 28- July 5, 2011

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#### KEY QUOTES

- None

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#### PRESS COVERAGE

##### ICE

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**Thind, Aneet**

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**From:** Howard, Linda  
**Sent:** Tuesday, July 05, 2011 12:36 PM  
**To:** Richards, Anne  
**Subject:** Re: Media Week In Review

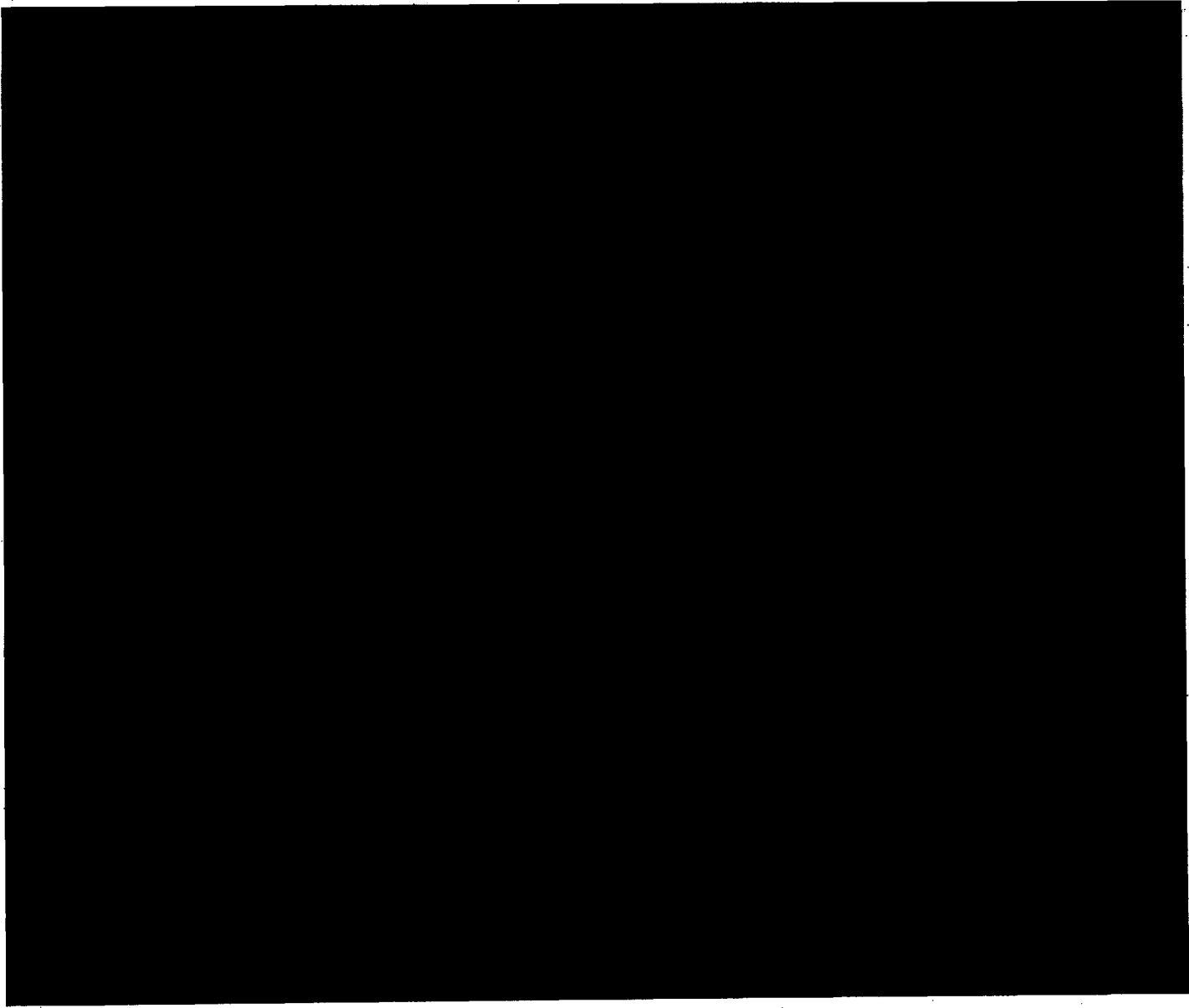
I will look. Well timed on someone's part. Hope this week is more calm.

---

**From:** Richards, Anne  
**Sent:** Tuesday, July 05, 2011 11:07 AM  
**To:** Howard, Linda  
**Subject:** FW: Media Week In Review

Check out the articles on ICE – came from Sean's Supervision of Aliens report. You all missed a fun day on Friday

DUPLICATE OF EMAIL 26





**Thind, Aneet**

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**From:** Metelko, Marty  
**Sent:** Tuesday, July 12, 2011 4:33 PM  
**To:** AIGs  
**Cc:** [REDACTED] Wojnarowski, Doris b6  
**Subject:** Media Week in Review  
**Attachments:** Media Week in Review- 07 05 11 to 07 11 11 Final.doc

OIG Media Coverage  
 Week in Review: July 5-11, 2011

**SYNOPSIS**

- The OIG was featured in local, regional and special-interest outlets over the past week. Top stories include:
  - Coverage of the inclusion of Israel on ICE's Third-Agency Check (TAC) list, which was in our report OIG-11-81 "Supervision of Aliens Commensurate with Risk"
  - ICE Port Isabel Detention Officer indictment
  - DHS critical infrastructure vulnerabilities
- Featured Reports
  - OIG-11-81 "Supervision of Aliens Commensurate with Risk"
  - OIG-11-89 "Planning, Management, and Systems Issues Hinder DHS' Efforts To Protect Cyberspace and the Nation's Cyber Infrastructure (Redacted)"
  - DA-11-18 "City of Vero Beach, Florida -Disaster Activities Related to Hurricane Jeanne"
  - DA-11-19 "City of Vero Beach, Florida -Disaster Activities Related to Hurricane Frances"

**KEY QUOTES**

- "Configuration and account access vulnerabilities identified on the [two] systems must be mitigated to manage and secure the systems and PClI data from the risks associated with internal and external threats, unauthorized access and misuse,' Frank W. Deffer, Assistant Inspector General for Information Technology Audits, wrote in the report." —Aliya Sternstein, NextGov
- "'The addition of Israel in the OIG's list of ICE's 'Third-Agency Checks' (TAC) was based on inaccurate information provided to the OIG during the course of its audit,' Morton said in a statement sent by e-mail to JTA." —Ron Kampeas, JTA
- "But an inspector general report found that the agency did not use unfair or illegal political practices when releasing FOIA requests. And in the end, the investigation produced more sizzle — Issa said the FOIA process 'reeks of a Nixonian enemies list' — than substance." —Jordy Yager, The Hill

**TWITTER/BLOGS/ETC.**

- Eurasia Review: Israel Included On US Homeland Security Terrorism Watch List – OpEd Posted by Lizza Ratner
- National Defense: DHS Cybersecurity Database Has Its Own Vulnerabilities, IG Reports Posted by Stew Magnuson
- PJ Tatler: Homeland Security: Sorry about putting Israel on the terror watch list Posted by Bryan Preston
- Security Dark Reading via Twitter: Reports: DHS, IRS Databases At Risk Posted by Ericka Chickowski
- The Blaze: Update: Homeland Security Dept. Now Claims Israel Was Erroneously Included on Terror List Posted by Billy Hollowell
- TownHall: Update: Homeland Security Dept. Now Claims Israel Was Erroneously Included on Terror List Posted by Billy Hollowell
- TransWorld News: Customs and Border Protection (CBP) Inspector Sentenced For Narcotics Trafficking

**PRESS COVERAGE**CBP Border Corruption

• **Global Post, US goes after agents who moonlight for Mexican cartels By Ioan Grillo**

**July 10, 2011.** MEXICO CITY, Mexico — The story splattered across Mexican newspapers looked painfully familiar — a government official was found guilty of betraying the trust of the public and moonlighting for the drug cartels that have torn this country apart.

**DHS Critical Infrastructure Efforts**

**InfoSecurity, DHS falls short on protecting critical infrastructure database, says Inspector General**

**July 8, 2011.** The Department of Homeland Security's Office of the Inspector General (IG) found security gaps in the department's database containing information on US critical infrastructure. The IG said that there were significant flaws in access controls for the sensitive database, called the protected critical infrastructure information (PCII) system, which contains security reviews of US critical infrastructure.

**NextGov, IG: Homeland Security system flaws stymie ability to secure cyberspace By Aliya Sternstein**

**July 7, 2011.** A federal inspection has uncovered weaknesses in Homeland Security Department systems that house information regarding critical U.S. networks.

**DHS FOIA Practices**

**The Hill, Issa: We could have done better By Jordy Yager**

**July 7, 2011.** When he became chairman of the powerful House Oversight and Government Reform Committee six months ago, Rep. Darrell Issa (R-Calif.) was gangbusters to go after waste and corruption in the federal government.

**FEMA**

**Gulf Coast News, Gautier Woman Pleads Guilty to Katrina Fraud**

**July 8, 2011.** GULFPORT, Miss. — Demonica L. Rogers, age 35, of Gautier, MS, pled guilty in U.S. District Court on July 6, 2011, to theft of federal disaster funds of the Federal Emergency Management Agency (FEMA), for Hurricane Katrina benefits, U.S. Attorney John Dowdy announced.

**Vero Beach News, After the hurricanes, Vero's paperwork disaster By Lisa Zahner**

**July 7, 2011.** When federal auditors came to town to peer into the City of Vero Beach's handling of expense reimbursements related to hurricanes Frances and Jeanne, the staff said there was nothing to worry about.

**ICE**

**KRGV, Former Port Isabel Detention Officer Charged With Violating Civil Rights of Detainee**

**July 8, 2011.** BROWNSVILLE, TX — A McAllen grand jury indicted a former Port Isabel Detention Center officer with using excessive force on a detainee, obstruction of justice and lying to a federal agent. The federal indictment was unsealed after Raul Leal was arrested today.

**The Brownsville Herald, Former detention center guard accused of abuse By Jacqueline Armendariz**

**July 8, 2011.** A former Harlingen man who was a lieutenant at the Port Isabel Detention Center was arrested Friday and accused of abusing an inmate, then attempting to cover it up, the U.S. Attorney's Office announced.

**The Examiner, Former Port Isabel Detention Officer Charged with Violating Civil Rights of Detainee By Breck Porter**

**July 8, 2011.** WASHINGTON — A federal indictment returned by a McAllen, Texas, grand jury on June 7, 2011, charging former Port Isabel Detention Center Lieutenant Raul Leal with using excessive force on a detainee, obstruction of justice and lying to a federal agent was unsealed today following Leal's arrest, the Justice Department announced.

**The Houston Chronicle, Former detention center supervisor arrested By The Associated Press**

**July 8, 2011.** BROWNSVILLE, TX — Federal agents have arrested a former supervisor at a South Texas immigrant detention center on charges of excessive force, obstruction of justice and lying to a federal agent about the 2009 beating of a detainee.

\*Also featured on the ABC 13.com (Houston ABC affiliate) website.

**YNet News, US: Israel included in terror watch list by mistake By Yitzhak Benhorin**

**July 7, 2011.** WASHINGTON — Israeli diplomats stationed in the United States was surprised to discover that Israel was one of 36 countries included in a new Homeland Security terror watch list.

**Israel Today, Israel added to US terror watch list By Ryan Jones**

**July 6, 2011.** Israel was recently added to the US Department of Homeland Security terror watch list. The revised list of 36 nations was attached to a May 10 document from the office of the Homeland Security Inspector General. Israel's inclusion was picked up on last week by CNS News.

**JTA, U.S. says Israel's inclusion on terrorist watch list was a mistake By Ron Kampeas**

**July 6, 2011.** WASHINGTON (JTA) — Israel was included erroneously on a U.S. Department of Homeland Security terrorist watch list, a U.S. official said.

\*Also featured on the Cleveland Jewish News website and JewishJournal.com.

**The Algemeiner, US: Israel Inclusion on Terror List Was a Mistake By Maxine Dovere**

**July 6, 2011.** In a communiqué received by the Algemeiner Wednesday, July 7, Immigrations and Customs Enforcement (ICE) director John Morton said that the addition of Israel in the OIG's list of ICE's Third-Agency Checks was a mistake.

*Please contact me should you have questions.-Marty*

Marta Rivera Metelko  
Director, Public Affairs  
Office of Inspector General  
Department of Homeland Security  
202. [REDACTED] / 202. [REDACTED] b6  
Fax: 202. [REDACTED]



OIG Media Coverage  
Week in Review: July 5-11, 2011

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## SYNOPSIS

- The OIG was featured in local, regional and special-interest outlets over the past week. Top stories include:
  - Coverage of the inclusion of Israel on ICE's Third-Agency Check (TAC) list, which was in our report OIG-11-81 "Supervision of Aliens Commensurate with Risk"
  - ICE Port Isabel Detention Officer indictment
  - DHS critical infrastructure vulnerabilities
- Featured Reports
  - OIG-11-81 "Supervision of Aliens Commensurate with Risk"
  - OIG-11-89 "Planning, Management, and Systems Issues Hinder DHS' Efforts To Protect Cyberspace and the Nation's Cyber Infrastructure (Redacted)"
  - DA-11-18 "City of Vero Beach, Florida -Disaster Activities Related to Hurricane Jeanne"
  - DA-11-19 "City of Vero Beach, Florida -Disaster Activities Related to Hurricane Frances"

## KEY QUOTES

- "Configuration and account access vulnerabilities identified on the [two] systems must be mitigated to manage and secure the systems and PCII data from the risks associated with internal and external threats, unauthorized access and misuse," Frank W. Deffer, Assistant Inspector General for Information Technology Audits, wrote in the report."  
—Aliya Sternstein, NextGov
- "'The addition of Israel in the OIG's list of ICE's 'Third-Agency Checks' (TAC) was based on inaccurate information provided to the OIG during the course of its audit,' Morton said in a statement sent by e-mail to JTA." —Ron Kampeas, JTA
- "But an inspector general report found that the agency did not use unfair or illegal political practices when releasing FOIA requests. And in the end, the investigation produced more sizzle — Issa said the FOIA process 'reeks of a Nixonian enemies list' — than substance." —Jordy Yager, The Hill

## TWITTER/BLOGS/ETC.

- Eurasia Review: Israel Included On US Homeland Security Terrorism Watch List – OpEd Posted by Lizza Ratner
- National Defense: DHS Cybersecurity Database Has Its Own Vulnerabilities, IG Reports Posted by Stew Magnuson
- PJ Tatler: Homeland Security: Sorry about putting Israel on the terror watch list Posted by Bryan Preston
- Security Dark Reading via Twitter: Reports: DHS, IRS Databases At Risk Posted by Ericka Chickowski
- The Blaze: Update: Homeland Security Dept. Now Claims Israel Was Erroneously Included on Terror List Posted by Billy Hollowell
- TownHall: Update: Homeland Security Dept. Now Claims Israel Was Erroneously Included on Terror List Posted by Billy Hollowell
- TransWorld News: Customs and Border Protection (CBP) Inspector Sentenced For Narcotics Trafficking

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## **PRESS COVERAGE**

### **CBP Border Corruption**

**Global Post, US goes after agents who moonlight for Mexican cartels By Ioan Grillo**

**July 10, 2011.** MEXICO CITY, Mexico — The story splattered across Mexican newspapers looked painfully familiar — a government official was found guilty of betraying the trust of the public and moonlighting for the drug cartels that have torn this country apart.

### **DHS Critical Infrastructure Efforts**

**InfoSecurity, DHS falls short on protecting critical infrastructure database, says Inspector General**

**July 8, 2011.** The Department of Homeland Security's Office of the Inspector General (IG) found security gaps in the department's database containing information on US critical infrastructure. The IG said that there were significant flaws in access controls for the sensitive database, called the protected critical infrastructure information (PCII) system, which contains security reviews of US critical infrastructure.

**NextGov, IG: Homeland Security system flaws stymie ability to secure cyberspace By Aliya Sternstein**

**July 7, 2011.** A federal inspection has uncovered weaknesses in Homeland Security Department systems that house information regarding critical U.S. networks.

### **DHS FOIA Practices**

**The Hill, Issa: We could have done better By Jordy Yager**

**July 7, 2011.** When he became chairman of the powerful House Oversight and Government Reform Committee six months ago, Rep. Darrell Issa (R-Calif.) was gangbusters to go after waste and corruption in the federal government.

### **FEMA**

**Gulf Coast News, Gautier Woman Pleads Guilty to Katrina Fraud**

**July 8, 2011.** GULFPORT, Miss. — Demonica L. Rogers, age 35, of Gautier, MS, pled guilty in U.S. District Court on July 6, 2011, to theft of federal disaster funds of the Federal Emergency Management Agency (FEMA), for Hurricane Katrina benefits, U.S. Attorney John Dowdy announced.

**Vero Beach News, After the hurricanes, Vero's paperwork disaster By Lisa Zahner**

OIG Media Coverage  
Week in Review: July 5-11, 2011

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**July 7, 2011.** When federal auditors came to town to peer into the City of Vero Beach's handling of expense reimbursements related to hurricanes Frances and Jeanne, the staff said there was nothing to worry about.

**ICE**

**KRGV, Former Port Isabel Detention Officer Charged With Violating Civil Rights of Detainee**

**July 8, 2011.** BROWNSVILLE, TX – A McAllen grand jury indicted a former Port Isabel Detention Center officer with using excessive force on a detainee, obstruction of justice and lying to a federal agent. The federal indictment was unsealed after Raul Leal was arrested today.

**The Brownsville Herald, Former detention center guard accused of abuse By Jacqueline Armendariz**

**July 8, 2011.** A former Harlingen man who was a lieutenant at the Port Isabel Detention Center was arrested Friday and accused of abusing an inmate, then attempting to cover it up, the U.S. Attorney's Office announced.

**The Examiner, Former Port Isabel Detention Officer Charged with Violating Civil Rights of Detainee By Breck Porter**

**July 8, 2011.** WASHINGTON – A federal indictment returned by a McAllen, Texas, grand jury on June 7, 2011, charging former Port Isabel Detention Center Lieutenant Raul Leal with using excessive force on a detainee, obstruction of justice and lying to a federal agent was unsealed today following Leal's arrest, the Justice Department announced.

**The Houston Chronicle, Former detention center supervisor arrested By The Associated Press**

**July 8, 2011.** BROWNSVILLE, TX — Federal agents have arrested a former supervisor at a South Texas immigrant detention center on charges of excessive force, obstruction of justice and lying to a federal agent about the 2009 beating of a detainee.

\*Also featured on the ABC 13.com (Houston ABC affiliate) website.

**YNet News, US: Israel included in terror watch list by mistake By Yitzhak Benhorin**

**July 7, 2011.** WASHINGTON – Israeli diplomats stationed in the United States was surprised to discover that Israel was one of 36 countries included in a new Homeland Security terror watch list.

**Israel Today, Israel added to US terror watch list By Ryan Jones**

**July 6, 2011.** Israel was recently added to the US Department of Homeland Security terror watch

OIG Media Coverage  
Week in Review: July 5-11, 2011

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list. The revised list of 36 nations was attached to a May 10 document from the office of the Homeland Security Inspector General. Israel's inclusion was picked up on last week by CNS News.

**JTA, U.S. says Israel's inclusion on terrorist watch list was a mistake By Ron Kampeas**

**July 6, 2011.** WASHINGTON (JTA) -- Israel was included erroneously on a U.S. Department of Homeland Security terrorist watch list, a U.S. official said.

\*Also featured on the Cleveland Jewish News website and JewishJournal.com.

**The Algemeiner, US: Israel Inclusion on Terror List Was a Mistake By Maxine Doovere**

**July 6, 2011.** In a communiqué received by the Algemeiner Wednesday, July 7, Immigrations and Customs Enforcement (ICE) director John Morton said that the addition of Israel in the OIG's list of ICE's Third-Agency Checks was a mistake.

Thind, Aneet

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From: Bell, Mark  
Sent: Tuesday, July 05, 2011 9:02 PM  
To: [REDACTED]  
Subject: Re: Let me know your thoughts on this

Agreed

----- Original Message -----

From: Richards, Anne [mailto:[REDACTED]]  
Sent: Tuesday, July 05, 2011 08:59 PM  
To: [REDACTED]; Pettersen, Sean [REDACTED]; Butler, Jewel  
[REDACTED]; Snow, Holly [REDACTED]  
Subject: Fw: Let me know your thoughts on this

My thought are that [REDACTED]

What are your thoughts?

----- Original Message -----

From: Edwards, Charles  
Sent: Tuesday, July 05, 2011 08:55 PM  
To: Richards, Anne; Reback, Richard  
Subject: Let me know your thoughts on this

[REDACTED] is planning on release this and what to know [REDACTED]  
following [REDACTED]

b5,  
b6

Thind, Aneet

---

From: Reback, Richard  
Sent: Tuesday, July 05, 2011 9:09 PM  
To: Richards, Anne  
Subject: Re: Let me know your thoughts on this

I know. Clearly, the end is near!

----- Original Message -----

From: Richards, Anne  
Sent: Tuesday, July 05, 2011 09:06 PM  
To: Reback, Richard  
Subject: Re: Let me know your thoughts on this

Two minds thinking alike  
Very scary

----- Original Message -----

From: Reback, Richard  
Sent: Tuesday, July 05, 2011 09:04 PM  
To: Edwards, Charles; Richards, Anne  
Subject: Re: Let me know your thoughts on this

This makes it [REDACTED]

What if [REDACTED]

b5

[REDACTED] . RR

DUPLICATE OF EMAIL 29

[REDACTED]

Thind, Aneet

---

From: Reback, Richard  
Sent: Tuesday, July 05, 2011 9:20 PM  
To: Edwards, Charles  
Subject: Re: Let me know your thoughts on this

It was not an oig mistake. [REDACTED]

----- Original Message -----

From: Edwards, Charles  
Sent: Tuesday, July 05, 2011 09:17 PM  
To: Reback, Richard; Edwards, Charles  
Subject: Re: Let me know your thoughts on this

[REDACTED]

b5

----- Original Message -----

From: Reback, Richard  
Sent: Tuesday, July 05, 2011 09:12 PM  
To: Edwards, Charles  
Subject: Re: Let me know your thoughts on this

Just imagine if it actually had been the oig's mistake!

----- Original Message -----

From: Edwards, Charles  
Sent: Tuesday, July 05, 2011 09:11 PM  
To: Reback, Richard  
Subject: Re: Let me know your thoughts on this

Thanks Rick. This has caused me such a huge headache I can't even begin to explain....

----- Original Message -----

From: Reback, Richard  
Sent: Tuesday, July 05, 2011 09:07 PM  
To: Edwards, Charles  
Subject: Re: Let me know your thoughts on this

Just got in.

----- Original Message -----

From: Edwards, Charles  
Sent: Tuesday, July 05, 2011 09:05 PM  
To: Reback, Richard  
Subject: Re: Let me know your thoughts on this

Okay, I called your home a few minutes ago.  
DUPLICATE OF EMAIL 30

[REDACTED]

DUPLICATE OF EMAIL 30





**Thind, Aneet**

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**From:** Richards, Anne  
**Sent:** Tuesday, July 05, 2011 9:21 PM  
**To:** Reback, Richard; Richards, Anne; Edwards, Charles  
**Subject:** Re: Let me know your thoughts on this

They might also want to add that [REDACTED]  
[REDACTED]

----- Original Message -----

**From:** Reback, Richard  
**Sent:** Tuesday, July 05, 2011 09:17 PM  
**To:** Richards, Anne; Edwards, Charles  
**Subject:** Re: Let me know your thoughts on this

Or [REDACTED]

----- Original Message -----

**From:** Richards, Anne  
**Sent:** Tuesday, July 05, 2011 09:13 PM  
**To:** Reback, Richard; Edwards, Charles; Richards, Anne  
**Subject:** Re: Let me know your thoughts on this

Charles

If the [REDACTED]

Makes it less [REDACTED]

----- Original Message -----

**From:** Reback, Richard  
**Sent:** Tuesday, July 05, 2011 09:09 PM  
**To:** Edwards, Charles; Richards, Anne  
**Subject:** Re: Let me know your thoughts on this

Yes

----- Original Message -----

**From:** Edwards, Charles  
**Sent:** Tuesday, July 05, 2011 09:08 PM  
**To:** Richards, Anne; Edwards, Charles; Reback, Richard  
**Subject:** Re: Let me know your thoughts on this

Thanks Anne...

Rick - I am going to [REDACTED]. Are you okay with it.

----- Original Message -----

**From:** Richards, Anne  
**Sent:** Tuesday, July 05, 2011 09:06 PM  
**To:** Edwards, Charles; Reback, Richard  
**Subject:** Re: Let me know your thoughts on this

Charles


I'm concerned that [REDACTED] I propose that [REDACTED]



b5

Thanks  
Anne

DUPLICATE OF EMAIL 29



Thind, Aneet

---

From: Bell, Mark [REDACTED]  
Sent: Tuesday, July 05, 2011 9:45 PM  
To: [REDACTED]  
Subject: Re: Let me know your thoughts on this

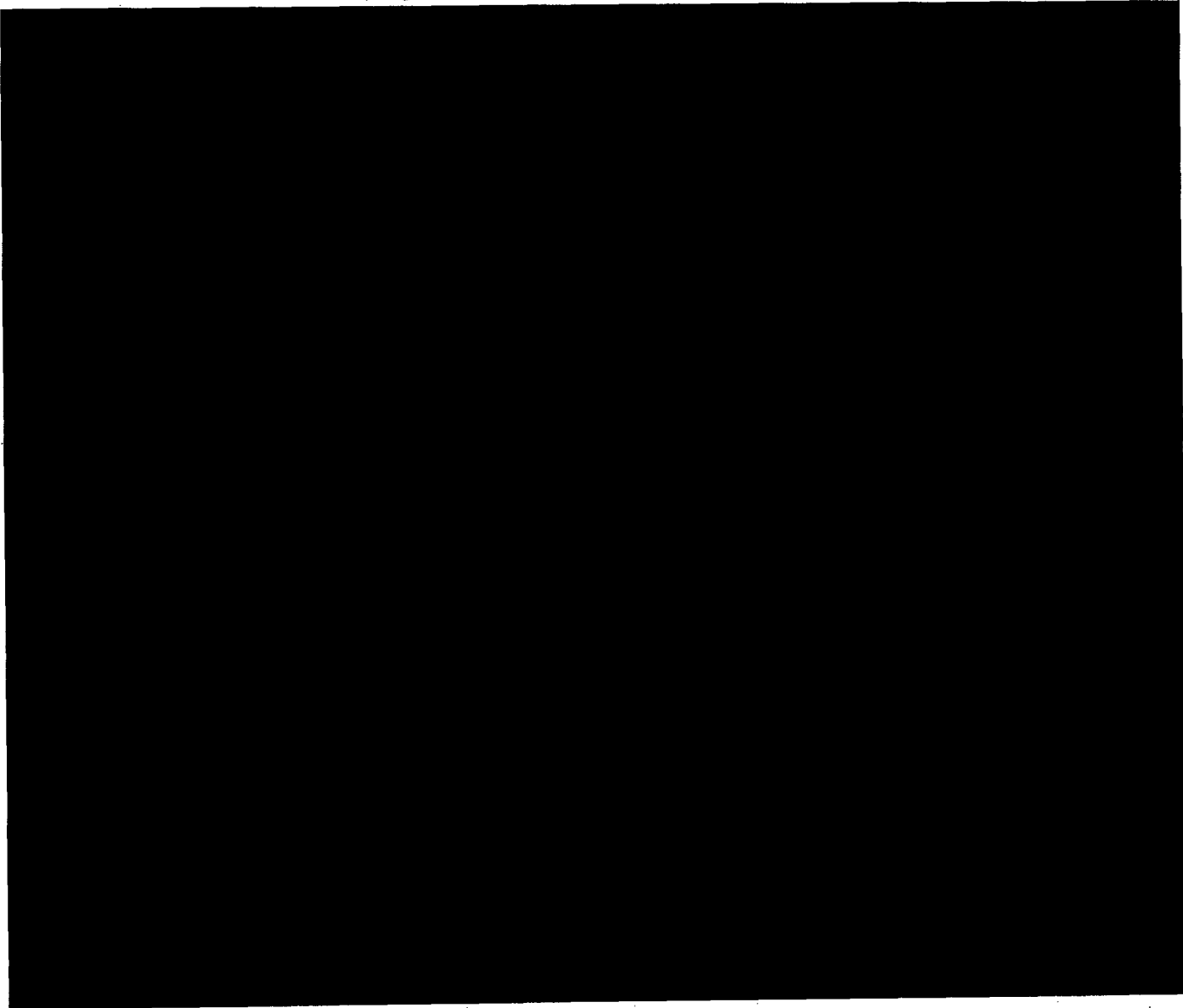
Good job!

b6

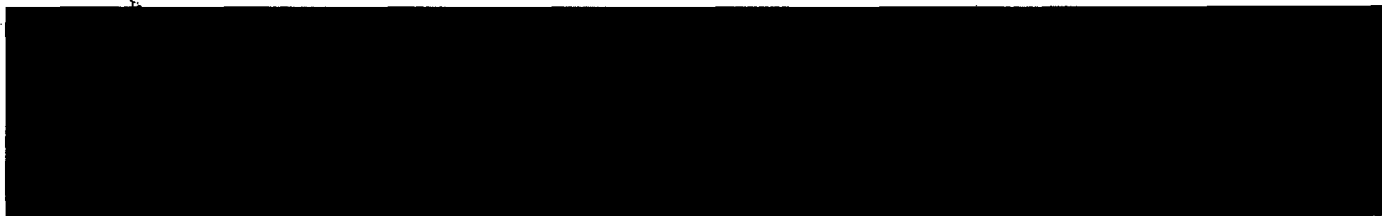
----- Original Message -----

From: Richards, Anne [mailto:[REDACTED]]  
Sent: Tuesday, July 05, 2011 09:39 PM  
To: [REDACTED]  
Subject: Fw: Let me know your thoughts on this

DUPLICATE OF EMAIL 32



DUPLICATE OF EMAIL 32



Thind, Aneet

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From: [REDACTED]  
Sent: Tuesday, July 05, 2011 9:49 PM  
To: Richards, Anne  
Subject: Re: Let me know your thoughts on this

Yep! Will anxiously await to see the statement.

[REDACTED]  
Sent from my BlackBerry

----- Original Message -----

From: Richards, Anne  
Sent: Tuesday, July 05, 2011 09:46 PM  
To: [REDACTED]  
Subject: Re: Let me know your thoughts on this

I hope [REDACTED]

----- Original Message -----

From: [REDACTED]  
Sent: Tuesday, July 05, 2011 09:46 PM  
To: Richards, Anne  
Subject: Re: Let me know your thoughts on this

OK, I hope [REDACTED]  
[REDACTED]

Sent from my BlackBerry

----- Original Message -----

From: Richards, Anne  
Sent: Tuesday, July 05, 2011 09:42 PM  
To: [REDACTED]  
Subject: Re: Let me know your thoughts on this

I agree. But its out of my hands.

----- Original Message -----

From: [REDACTED]  
Sent: Tuesday, July 05, 2011 09:40 PM  
To: Richards, Anne  
Subject: Re: Let me know your thoughts on this

The language is [REDACTED]  
[REDACTED] so I guess it has already been stated. But since the topic is [REDACTED] I don't  
think we need to [REDACTED].  
[REDACTED]

Sent from my BlackBerry

----- Original Message -----

From: Richards, Anne

Sent: Tuesday, July 05, 2011 09:35 PM

To: [REDACTED]

Subject: Re: Let me know your thoughts on this

Thanks

But apparently the Secretary is issuing the statement [REDACTED]

I don't know if [REDACTED]

I will provide an update if I get one

Thanks

Anne

----- Original Message -----

From: [REDACTED]

Sent: Tuesday, July 05, 2011 09:32 PM

To: Richards, Anne

Subject: Re: Let me know your thoughts on this

I don't think [REDACTED]

[REDACTED] so I advise [REDACTED]

I liked [REDACTED]

[REDACTED]  
Sent from my BlackBerry  
DUPLICATE OF EMAIL 29

b5,  
b6



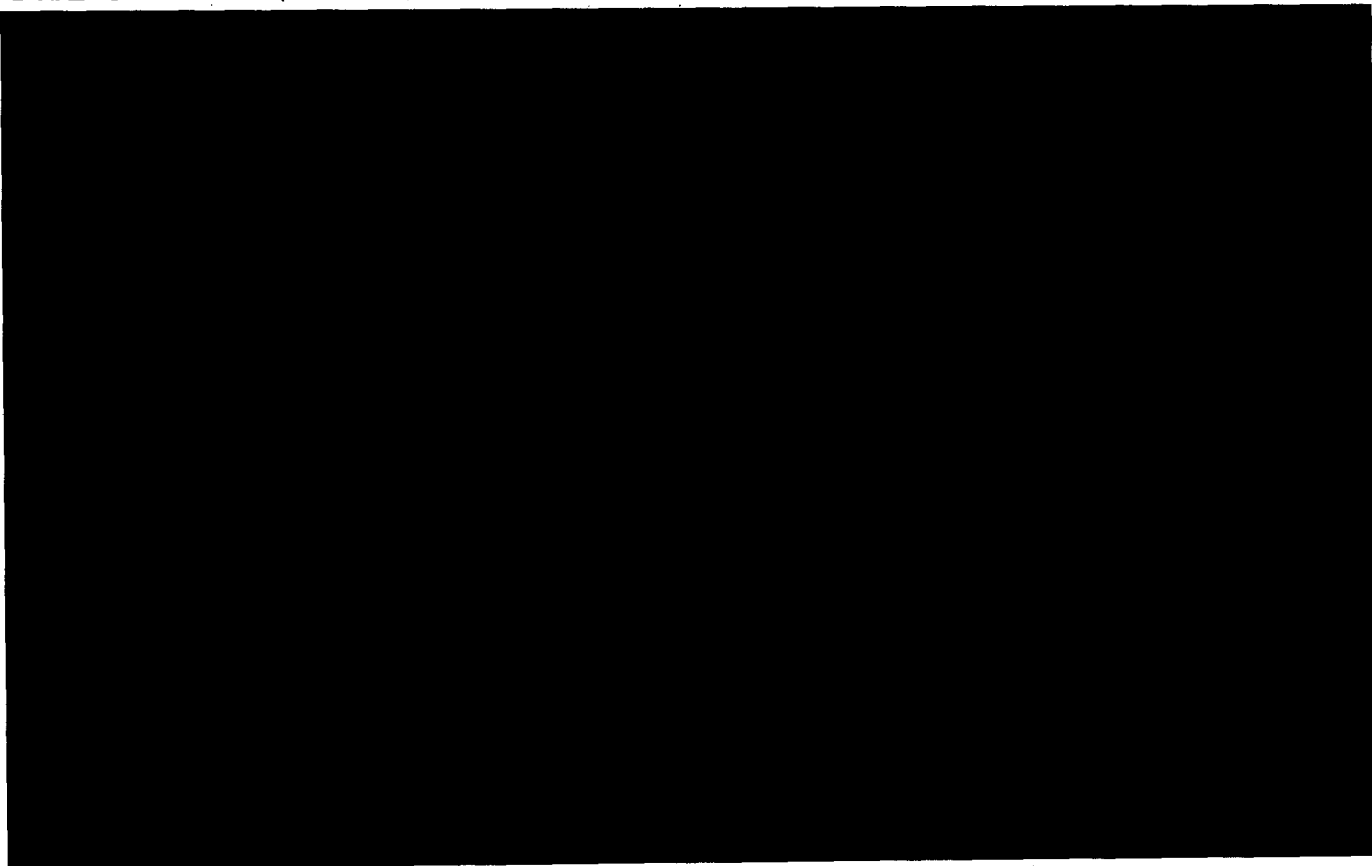
Thind, Aneet

---

**From:** Butler, Jewel  
**Sent:** Wednesday, July 06, 2011 7:01 AM  
**To:** Richards, Anne  
**Subject:** Re: Let me know your thoughts on this

They should definitely [REDACTED] it appears b5  
that [REDACTED].

Jewel L. Butler  
DUPLICATE OF MAIL 29





**Snow, Holly**

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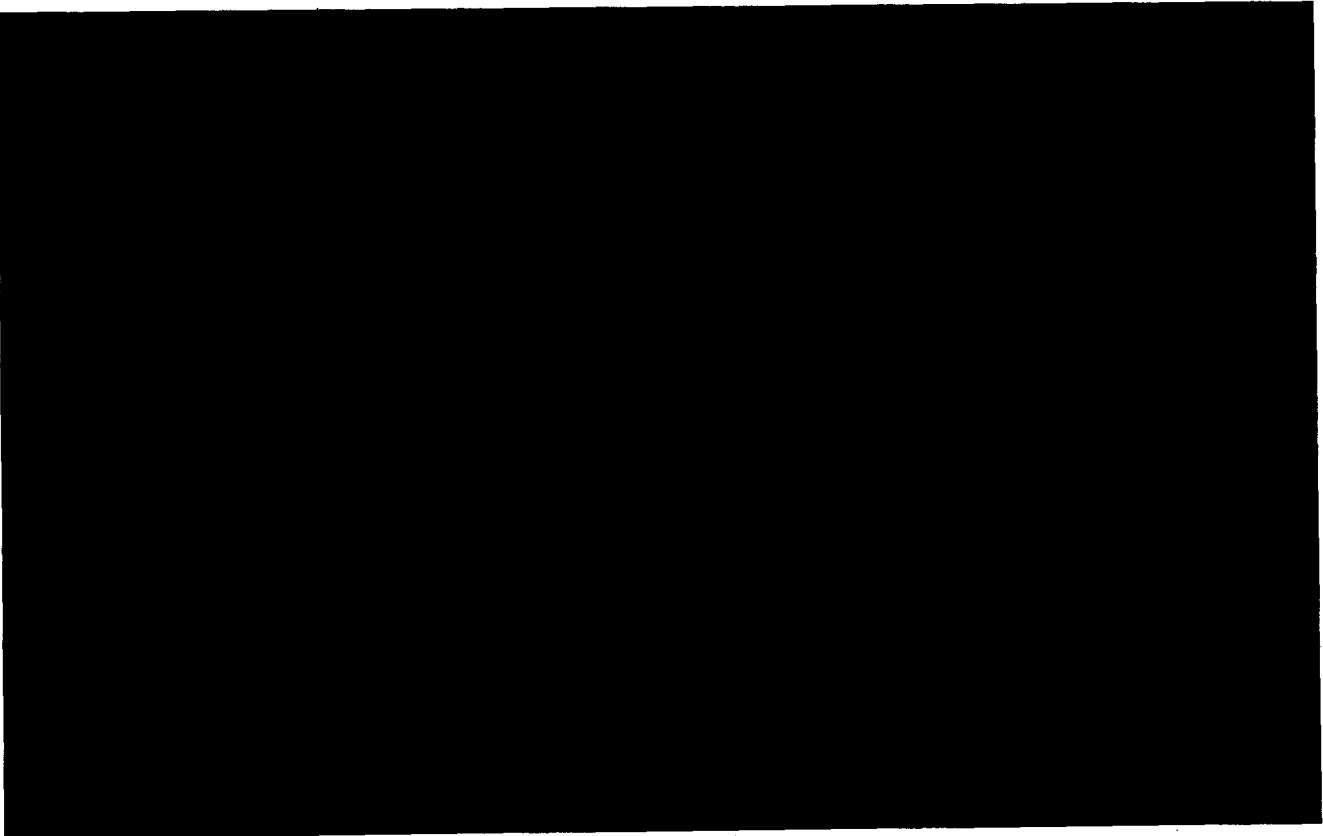
From: Snow, Holly  
Sent: Wednesday, July 06, 2011 7:58 AM  
To: Richards, Anne  
Subject: RE: Let me know your thoughts on this

Oh that is [REDACTED] If they believe that the  
information [REDACTED] then they should [REDACTED]

Holly Snow  
Program Analyst  
DHS-OIG Office of Audits  
Denver Field Office  
(303) [REDACTED] (bb)  
(303) [REDACTED] (office)

b5,  
b6

DUPLICATE OF EMAIL 29



Thind, Aneet

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**From:** Richards, Anne  
**Sent:** Wednesday, July 06, 2011 1:21 PM  
**To:** Reback, Richard; Edwards, Charles; Richards, Anne  
**Subject:** Re: Audit Memo

I'm betting [REDACTED]

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**From:** Reback, Richard  
**Sent:** Wednesday, July 06, 2011 01:07 PM  
**To:** Edwards, Charles; Richards, Anne  
**Subject:** Re: Audit Memo

I am betting that [REDACTED]

---

**From:** Edwards, Charles  
**Sent:** Wednesday, July 06, 2011 01:05 PM  
**To:** Reback, Richard; Richards, Anne  
**Subject:** FW: Audit Memo

Here is my email that I sent in March to John Morton.

b5

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**From:** Edwards, Charles  
**Sent:** Friday, March 11, 2011 2:13 PM  
**To:** Morton, John  
**Subject:** Audit Memo

Hi John,

Per our conversation last week, I wanted to touch base with you to let you know that our Office of Audits is

[REDACTED] DHS OIG Office of Audits [REDACTED]

[REDACTED] A draft report was issued in early January [REDACTED]

For your convenience, I've attached the draft report [REDACTED]

[REDACTED] Any assistance you can give in regards to this matter is greatly appreciated.

If you need additional information, please let me know.

Thank you for your attention in this matter.

Charles K. Edwards  
Acting Inspector General  
Office of Inspector General  
Dept. Of Homeland Security

**From:** Metelko, Marty  
**Sent:** Wednesday, July 06, 2011 2:23 PM  
**To:** [REDACTED]  
**Subject:** RE: JTA Article: Israel's inclusion on terrorist watch list was a mistake

Interesting.

b6

**From:** [REDACTED]  
**Sent:** Wednesday, July 06, 2011 1:50 PM  
**To:** Metelko, Marty  
**Subject:** JTA Article: Israel's inclusion on terrorist watch list was a mistake

An interesting update- per our previous conversation. According to the original post below (included in our Media Review) and reaffirmed in the post today, it appears that the issue first appeared in an article I flagged on Thursday- CNS News.

**Israel's inclusion on terrorist watch list was a mistake**

**By Ron Kampeas • July 6, 2011**

WASHINGTON (JTA) -- Israel was included erroneously on a U.S. Department of Homeland Security terrorist watch list, a U.S. official said.

Gillian Christiansen, a spokeswoman for the U.S. Immigration and Customs Enforcement division of the department, said Israel's recent appearance on a list compiled by the department's office of the inspector general was a mistake.

"The addition of Israel in the OIG's list of ICE's 'Third-Agency Checks' (TAC) was based on inaccurate information provided to the OIG during the course of its audit," Christiansen said in a statement sent by e-mail to JTA. "The U.S. does not and never has considered Israel to have links to terrorism, but rather they are a partner in our efforts to combat global terrorism. The United States maintains close intelligence-sharing relationships with Israel in order to address security issues within its own borders and in our mutual pursuit of safety and security around the globe."

The list does not fault government policies and instead recognizes the likelihood that a suspect traveler from that country might have terrorist ties.

If a traveler from one of the countries is detained, the country's inclusion on the list triggers a special check by Immigration and Customs Enforcement.

The list, attached to a May 10 document from the DHS Inspector General's office, was reported last week by CNS News, a conservative news service.

The list of 36 nations includes a number of other close U.S. allies such as Turkey, Bahrain, Morocco and Philippines, as well as nations beset by internal fighting like Sudan and Somalia.

**JTA's original article-**  
**U.S. immigration includes Israel on watch list**  
**July 1, 2011**

WASHINGTON (JTA) -- Israel is on a list compiled by U.S. immigration authorities of countries that might harbor

7/26/2011

terrorists.

The Department of Homeland Security list of 36 nations does not fault government policies and instead recognizes the likelihood that a suspect traveler from that country might have terrorist ties.

If a traveler from one of the countries is detained, the country's inclusion on the list triggers a special check by the Immigration and Customs Enforcement division.

The list, attached to a May 10 document from the DHS Inspector General's office, was first reported this week by CNS News, a conservative news service.

An ICE spokeswoman, Gillian Christensen, told CNS that appearing on the list did not suggest a country backs terrorism.

"The U.S. does not and never has considered Israel to have links to terrorism, but rather they are a partner in our efforts to combat global terrorism," Christensen said. "Countries may have been included on the list because of the backgrounds of arrestees, not because of the country's government itself. The United States maintains close intelligence-sharing relationships with many of these countries in order to address security issues within their own borders and in our mutual pursuit of safety and security around the globe."

The list includes a number of other close U.S. allies, like Turkey, Bahrain, Morocco and Philippines, as well as nations beset by internal fighting, like Sudan and Somalia.

**Snow, Holly**

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**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 2:45 PM  
**To:** Snow, Holly  
**Subject:** RE: OIG-11-81 Third Agency Checks

Personally, I think [REDACTED] But, what do I know.  
Again  
Thanks for your help.

b5

---

**From:** Snow, Holly  
**Sent:** Thursday, July 07, 2011 4:46 PM  
**To:** Richards, Anne  
**Subject:** RE: OIG-11-81 Third Agency Checks

You're right, that is probably [REDACTED] I am surprised that [REDACTED]  
[REDACTED]

---

**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 2:24 PM  
**To:** Snow, Holly  
**Cc:** Pettersen, Sean; Butler, Jewel  
**Subject:** RE: OIG-11-81 Third Agency Checks

Holly: Portion referred to ICE for review and direct response  
[REDACTED]

Thanks for your help  
Anne

---

**From:** Snow, Holly  
**Sent:** Thursday, July 07, 2011 4:25 PM  
**To:** Richards, Anne  
**Cc:** Pettersen, Sean; Butler, Jewel  
**Subject:** RE: OIG-11-81 Third Agency Checks

Anne: Portion referred to ICE for review and direct response  
[REDACTED]

Holly Snow

Program Analyst  
DHS-OIG Office of Audits  
Denver Field Office

(303) [REDACTED] (bb)  
(303) [REDACTED] (office)

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**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 1:55 PM  
**To:** Snow, Holly; Pettersen, Sean  
**Cc:** Butler, Jewel  
**Subject:** FW: OIG-11-81 Third Agency Checks  
**Importance:** High

Do we know when [REDACTED]? See email below.  
Thanks  
Anne

---

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 3:46 PM  
**To:** Richards, Anne  
**Subject:** FW: OIG-11-81 Third Agency Checks  
**Importance:** High

Anne,

Will you please help me answer below? See highlighted section:

My boss wanted to know [REDACTED] In other words, [REDACTED]  
[REDACTED]? For some reason, [REDACTED]

THANK YOU.

---

**From:** Kaguyutan, Janice [mailto:[REDACTED]]  
**Sent:** Thursday, July 07, 2011 3:33 PM  
**To:** [REDACTED]  
**Subject:** RE: OIG-11-81 Third Agency Checks

Let me clarify. I just heard back from [REDACTED]  
[REDACTED] But, [REDACTED] Thanks for the info!

---

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Thursday, July 07, 2011 3:29 PM  
**To:** Kaguyutan, Janice  
**Subject:** RE: OIG-11-81 Third Agency Checks

Got it. Let me see what I can find out for you. Will be in touch.

---

**From:** Kaguyutan, Janice [mailto:[REDACTED]]  
**Sent:** Thursday, July 07, 2011 3:29 PM  
**To:** [REDACTED]  
**Subject:** OIG-11-81 Third Agency Checks

Hi [REDACTED] – Thanks for taking my call. My boss wanted to know [REDACTED]  
In other words, [REDACTED]? For some reason, [REDACTED] Thanks for any  
info!

Janice

b5,  
b6

---

Janice V. Kaguyutan  
Deputy Chief Counsel  
Democratic Staff  
Howard L. Berman, Ranking Member  
House Committee on Foreign Affairs  
(202) 226-8467

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Thind, Aneet

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 3:45 PM  
**To:** Edwards, Charles  
**Subject:** RE: OIG-11-81 Third Agency Checks

Will do.

**From:** Edwards, Charles  
**Sent:** Thursday, July 07, 2011 3:44 PM  
**To:** [REDACTED]  
**Subject:** RE: OIG-11-81 Third Agency Checks

Yes forward it to Anne. Please send me her response.

Charles K. Edwards  
Acting Inspector General  
Office Of inspector General  
Department of Homeland Security

b6

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 03:29 PM Eastern Standard Time  
**To:** Edwards, Charles  
**Cc:** Manino, Yvonne  
**Subject:** FW: OIG-11-81 Third Agency Checks

Hi Charles,

Below is related to the press on Israel. Should I forward this to audits?

Thanks,

[REDACTED]  
DUPLICATE OF EMAIL 39



DUPLICATE OF EMAIL 39



Thind, Aneet

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**From:** [REDACTED] b6  
**Sent:** Thursday, July 07, 2011 3:55 PM  
**To:** Richards, Anne  
**Subject:** RE: OIG-11-81 Third Agency Checks

THANKS. Let me know either way please.

**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 3:53 PM  
**To:** [REDACTED]  
**Subject:** RE: OIG-11-81 Third Agency Checks

Portion referred to ICE for review and direct response.

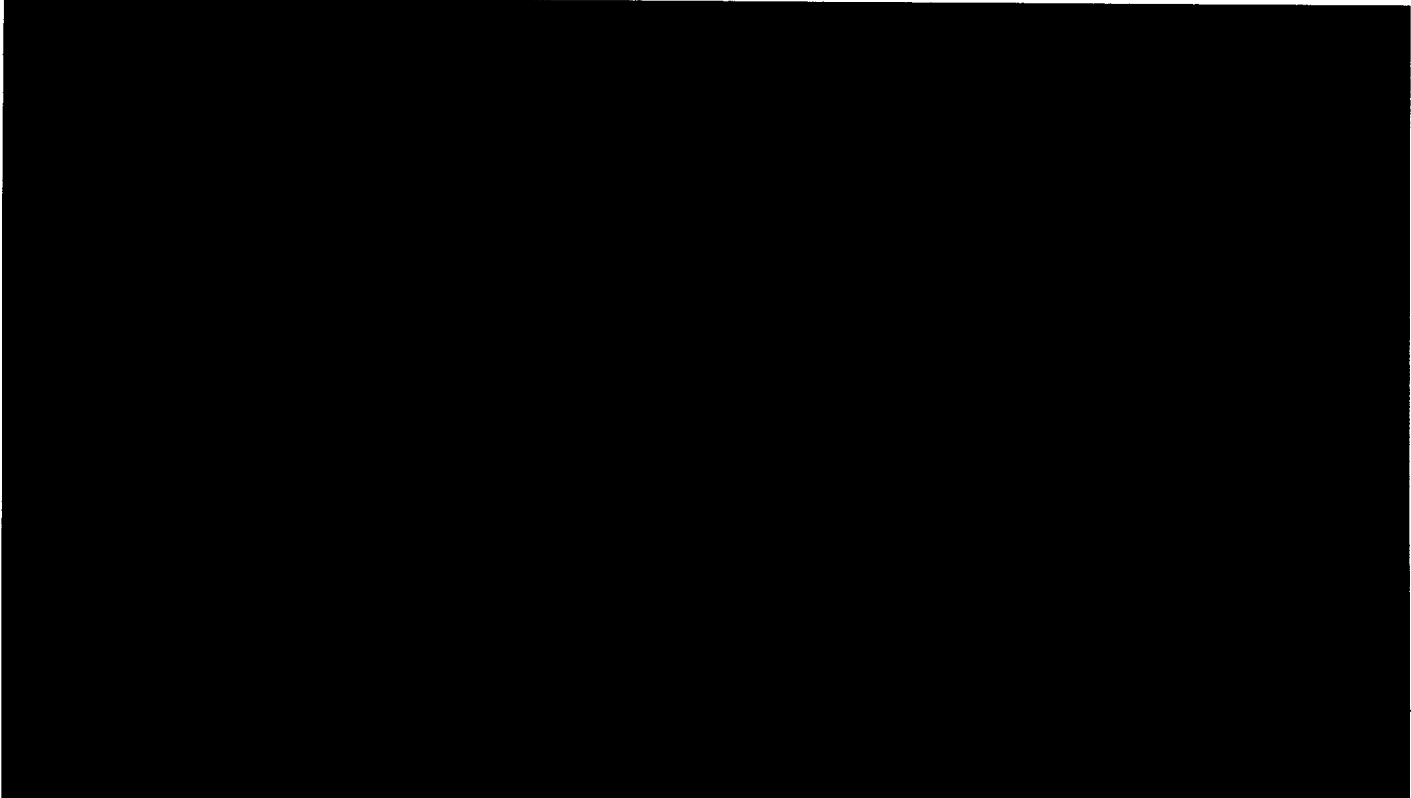
[REDACTED]

Thanks  
Anne

DUPLICATE OF EMAIL 39

[REDACTED]

DUPLICATE OF EMAIL 39



Thind, Aneet

---

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 4:50 PM  
**To:** Edwards, Charles  
**Cc:** Manino, Yvonne  
**Subject:** FW: OIG-11-81 Third Agency Checks  
**Attachments:** TAC.pdf

Charles, below is Anne's response. Also, please see attached. Please let me know how you would like to proceed.  
Thx,  
[REDACTED]

b6

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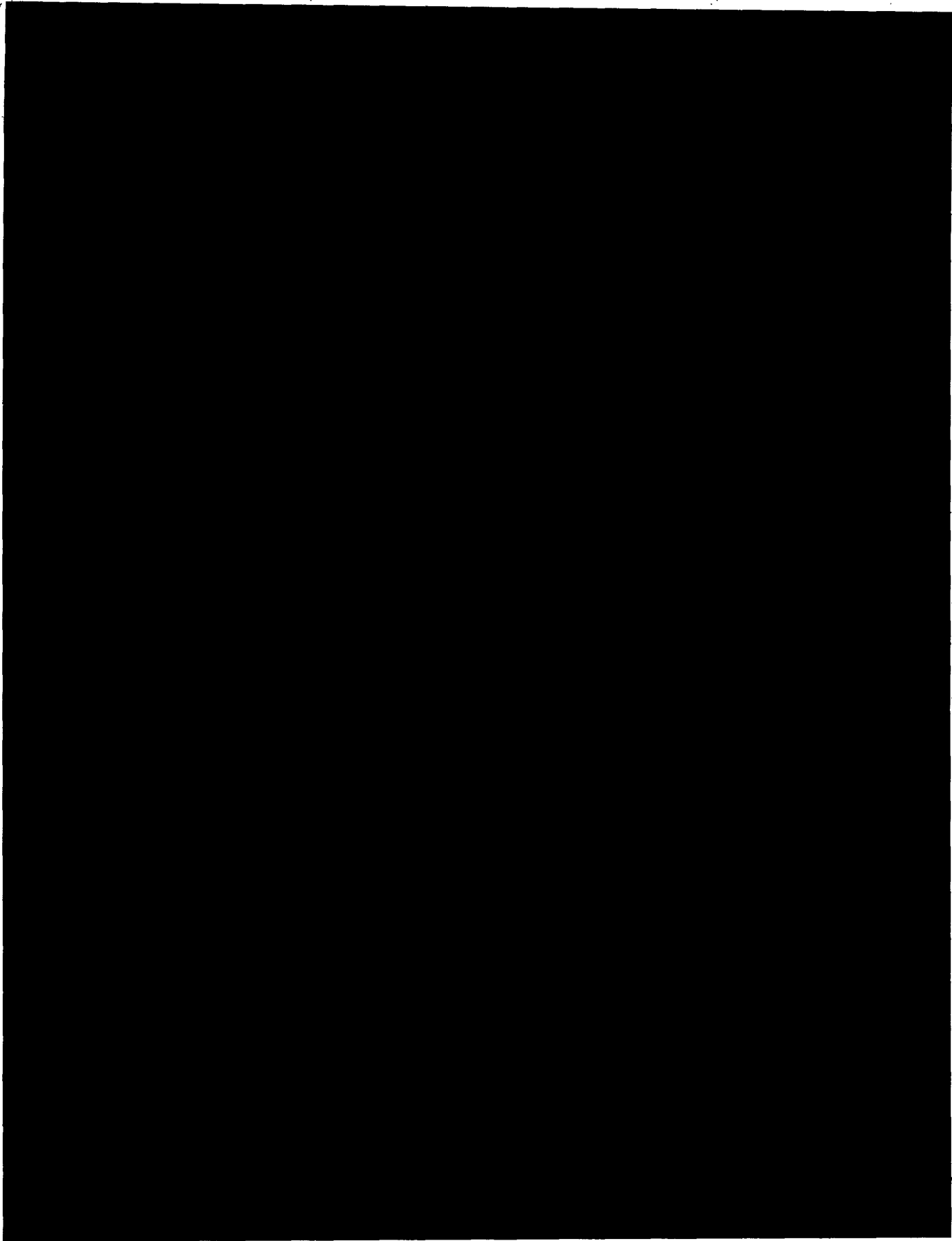
**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 4:29 PM  
**To:** [REDACTED]  
**Subject:** FW: OIG-11-81 Third Agency Checks

[REDACTED] b6 Portion referred to ICE for review and direct response  
[REDACTED]


Thanks  
Anne

DUPLICATE OF EMAIL 39

[REDACTED]



DUPLICATE OF EMAIL 39



3 PAGE(S)

Referred to ICE for processing  
and response to the requester

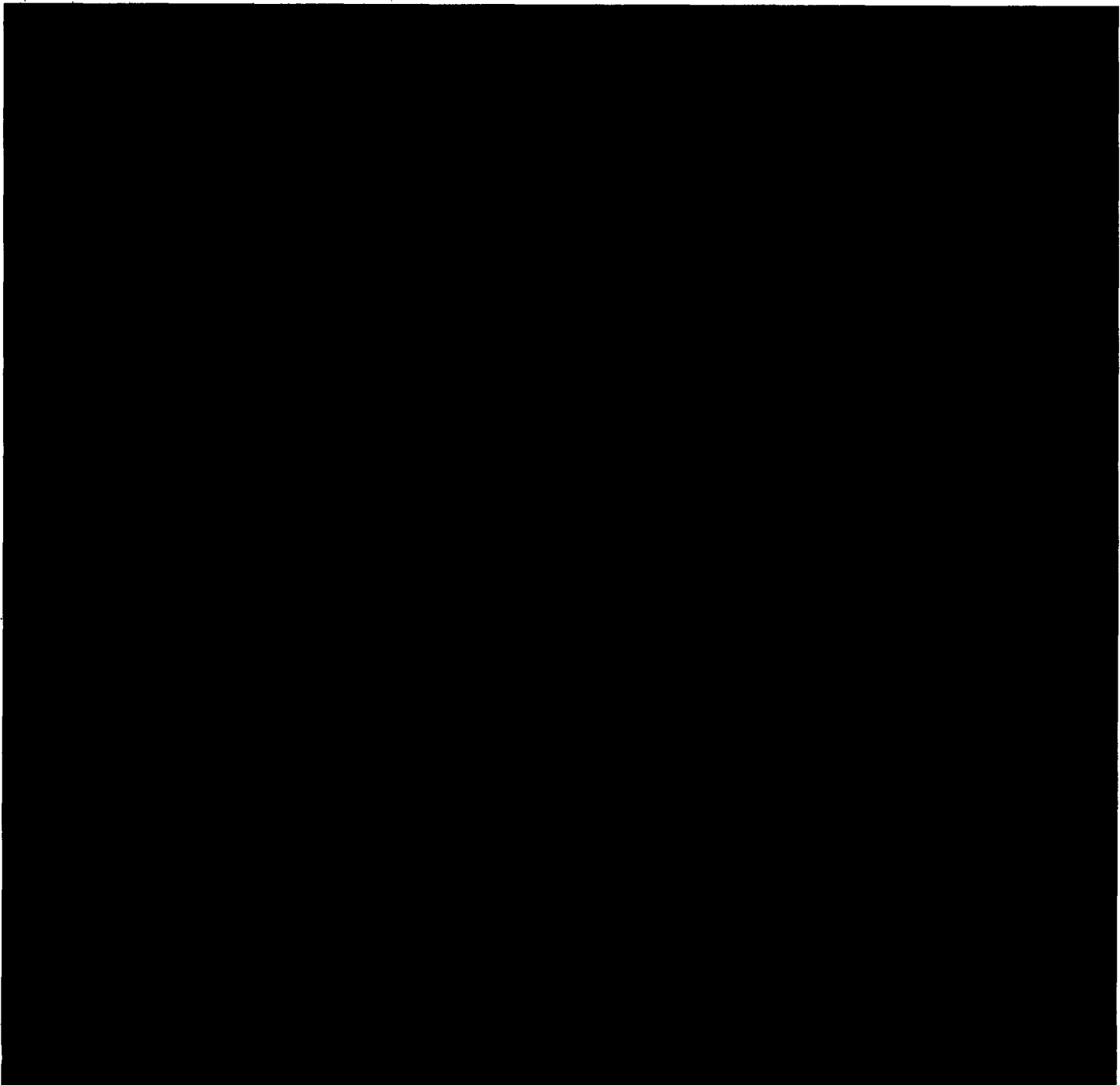
Thind, Aneet

---

From: [REDACTED] b6  
Sent: Thursday, July 07, 2011 5:17 PM  
To: Reback, Richard  
Subject: FW: OIG-11-81 Third Agency Checks

Charles called to tell us he will be calling ICE's 2<sup>nd</sup> in command tomorrow around 9 AM. He would like us to be ready to participate or be filled in right after.

DUPLICATE OF EMAIL 39





Thind, Aneet

**From:** [REDACTED]  
**Sent:** Friday, July 08, 2011 9:28 AM  
**To:** Edwards, Charles; Reback, Richard  
**Subject:** FW: OIG-11-81 Third Agency Checks

Please see below – from Janice Berman's staffer.

**From:** Kaguyutan, Janice [mailto:[REDACTED]]  
**Sent:** Friday, July 08, 2011 9:28 AM  
**To:** [REDACTED]  
**Subject:** RE: OIG-11-81 Third Agency Checks

Thank you! We did have a conference call yesterday evening. Many thanks for looking into this and getting back to me.

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Friday, July 08, 2011 9:24 AM  
**To:** Kaguyutan, Janice  
**Subject:** RE: OIG-11-81 Third Agency Checks

b6

Good Morning, Janice,

My boss, Acting IG, Charles Edwards informed me this morning that ICE provided you with the information you requested yesterday evening. If there is anything else we can help you with please let us know.

Have a nice weekend.  
[REDACTED]

**From:** Kaguyutan, Janice [mailto:[REDACTED]]  
**Sent:** Thursday, July 07, 2011 6:03 PM  
**To:** [REDACTED]  
**Subject:** RE: OIG-11-81 Third Agency Checks

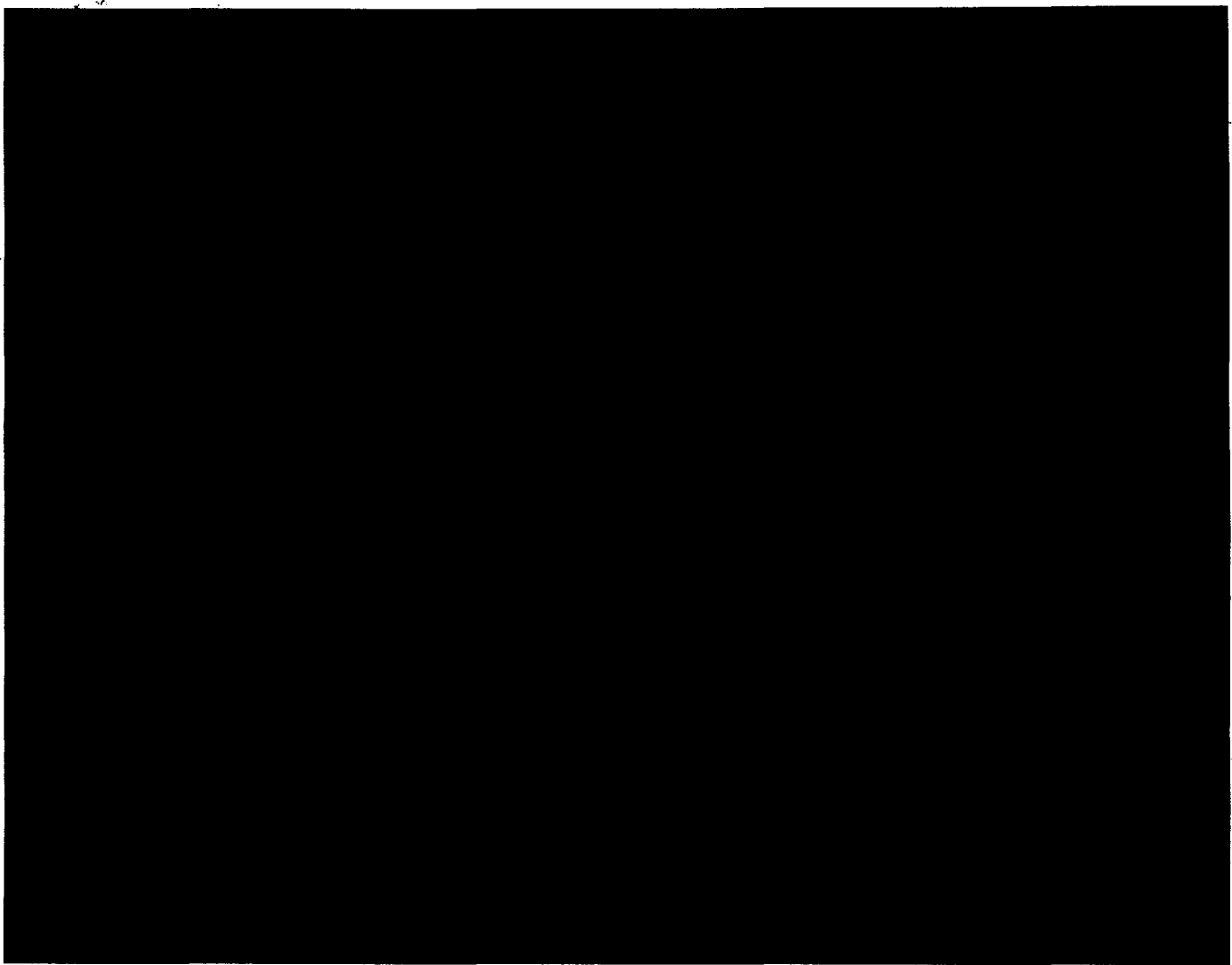
Thanks [REDACTED]

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Thursday, July 07, 2011 5:06 PM  
**To:** Kaguyutan, Janice  
**Subject:** RE: OIG-11-81 Third Agency Checks

Janice, we are working on this. Will try to get back to you tomorrow.  
DUPLICATE OF EMAIL 39

[REDACTED]

DUPLICATE OF EMAIL 39



**Thind, Aneet**

---

**From:** McCoy, John  
**Sent:** Friday, July 08, 2011 10:21 AM  
**To:** Richards, Anne  
**Subject:** RE: Re-post OIG report

Anne,

Thank you -- John

---

**From:** Richards, Anne  
**Sent:** Friday, July 08, 2011 10:00 AM  
**To:** Reback, Richard; Metelko, Marty  
**Cc:** Edwards, Charles; [REDACTED] Manino, Yvonne; Gramian, Nikki; McCoy, John; Bell, Mark; Butler, Jewel; Snow, Holly; Pettersen, Sean  
**Subject:** RE: Re-post OIG report

Rick

[REDACTED] need to be clear [REDACTED]

We are in the process of [REDACTED]

I suggest for [REDACTED] I'm very concerned that [REDACTED]  
[REDACTED] indicates that [REDACTED] My suggested changes:

Since the department and ICE [REDACTED] I think [REDACTED]

Thanks  
Anne

---

**From:** Reback, Richard  
**Sent:** Friday, July 08, 2011 9:40 AM  
**To:** Richards, Anne; Metelko, Marty  
**Cc:** Edwards, Charles; [REDACTED] Manino, Yvonne; Gramian, Nikki  
**Subject:** Re-post OIG report

Anne, Marty,

b5,  
b6

[REDACTED]  
[REDACTED] we should [REDACTED]

Charles also suggested [REDACTED]

perhaps something like the following:

b5

[REDACTED]

Thoughts? Pls edit freely.

Thanks,

Rick

**Snow, Holly**

**From:** Reback, Richard  
**Sent:** Friday, July 08, 2011 8:38 AM  
**To:** Richards, Anne; Metelko, Marty  
**Cc:** Edwards, Charles; [REDACTED] Gramian, Nikki; McCoy, John; Bell, Mark; Butler, Jewel; Snow, Holly; Pettersen, Sean  
**Subject:** Re: Re-post OIG report

I defer. I am [REDACTED]

**From:** Richards, Anne  
**Sent:** Friday, July 08, 2011 10:32 AM  
**To:** Reback, Richard; Metelko, Marty  
**Cc:** Edwards, Charles; [REDACTED] Manino, Yvonne [REDACTED] Gramian, Nikki; McCoy, John; Bell, Mark; Butler, Jewel; Snow, Holly; Pettersen, Sean  
**Subject:** RE: Re-post OIG report

Rick

I understand that you were [REDACTED] but it is important [REDACTED]

How about:

[REDACTED]

b5,  
b6

I'm fine with the designation [REDACTED]

I believe [REDACTED] We are neither [REDACTED]

[REDACTED] However, I too will [REDACTED]

Anne

**From:** Reback, Richard  
**Sent:** Friday, July 08, 2011 10:28 AM  
**To:** Richards, Anne; Metelko, Marty  
**Cc:** Edwards, Charles; [REDACTED] Manino, Yvonne; Gramian, Nikki; McCoy, John; Bell, Mark; Butler, Jewel; Snow, Holly; Pettersen, Sean  
**Subject:** RE: Re-post OIG report

Anne,

No one — and certainly not I — [REDACTED]

[REDACTED] I did not think [REDACTED]

[REDACTED] To avoid any confusion, [REDACTED] as follows:

[REDACTED]

b5

And, the report is designated as [REDACTED] on the cover rather than [REDACTED]

I don't really see [REDACTED] but defer to others.

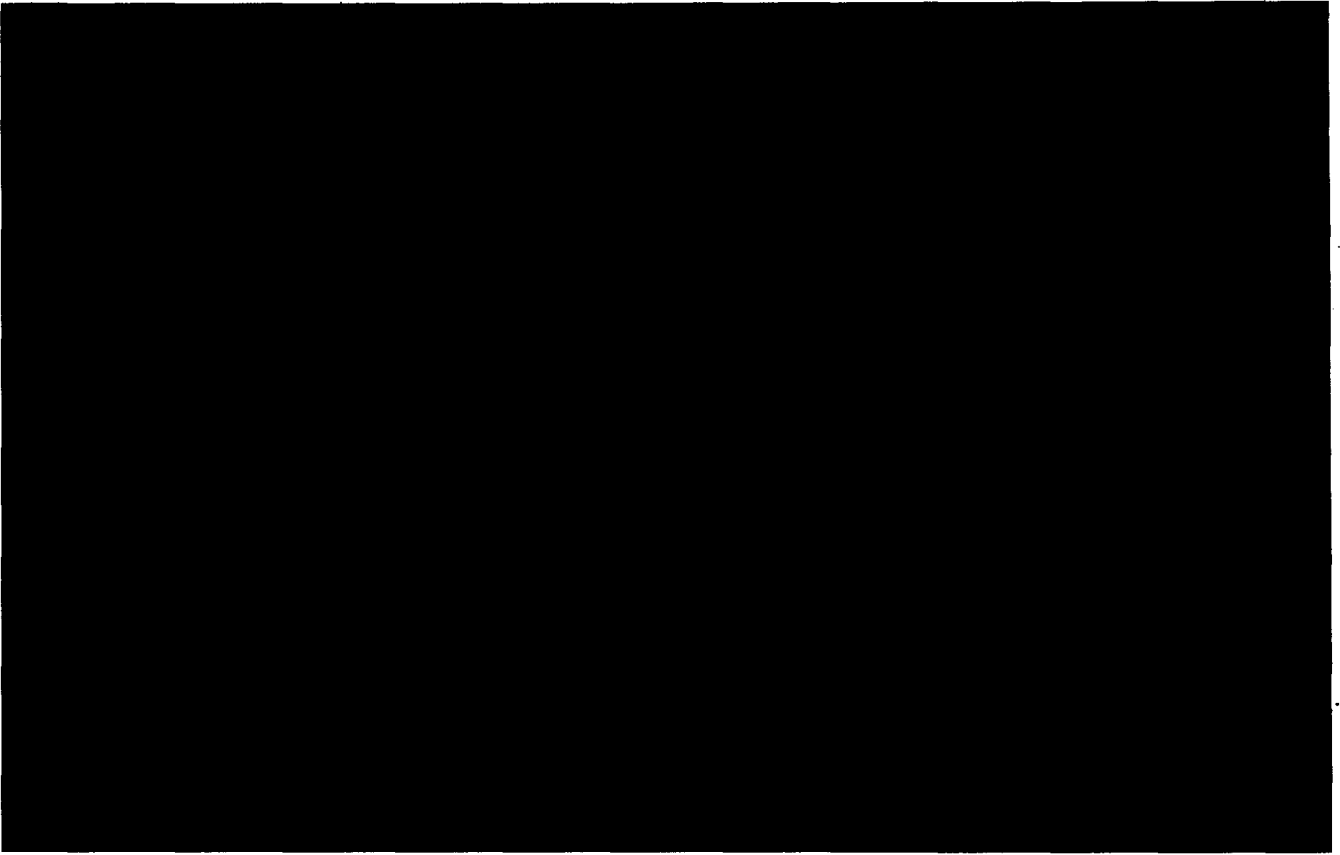
Thanks,

Rick

DUPLICATE OF EMAIL 45

[REDACTED]

DUPLICATE OF EMAIL 45



**Thind, Aneet**

---

**From:** Reback, Richard  
**Sent:** Friday, July 08, 2011 10:38 AM  
**To:** Manino, Yvonne; Edwards, Charles  
**Subject:** Re: Re-post OIG report

Fine with me. RR

---

**From:** Manino, Yvonne  
**Sent:** Friday, July 08, 2011 10:35 AM  
**To:** Edwards, Charles  
**Cc:** Reback, Richard  
**Subject:** FW: Re-post OIG report

Charles,

This is the whole statement.

[REDACTED]

Thanks,

*Yvonne Sy Manino*  
*Acting Chief of Staff*  
*DHS Office of the Inspector General*  
202- [REDACTED] (Office)  
202- [REDACTED] (Mobile)  
202- [REDACTED] (Fax)  
[REDACTED]

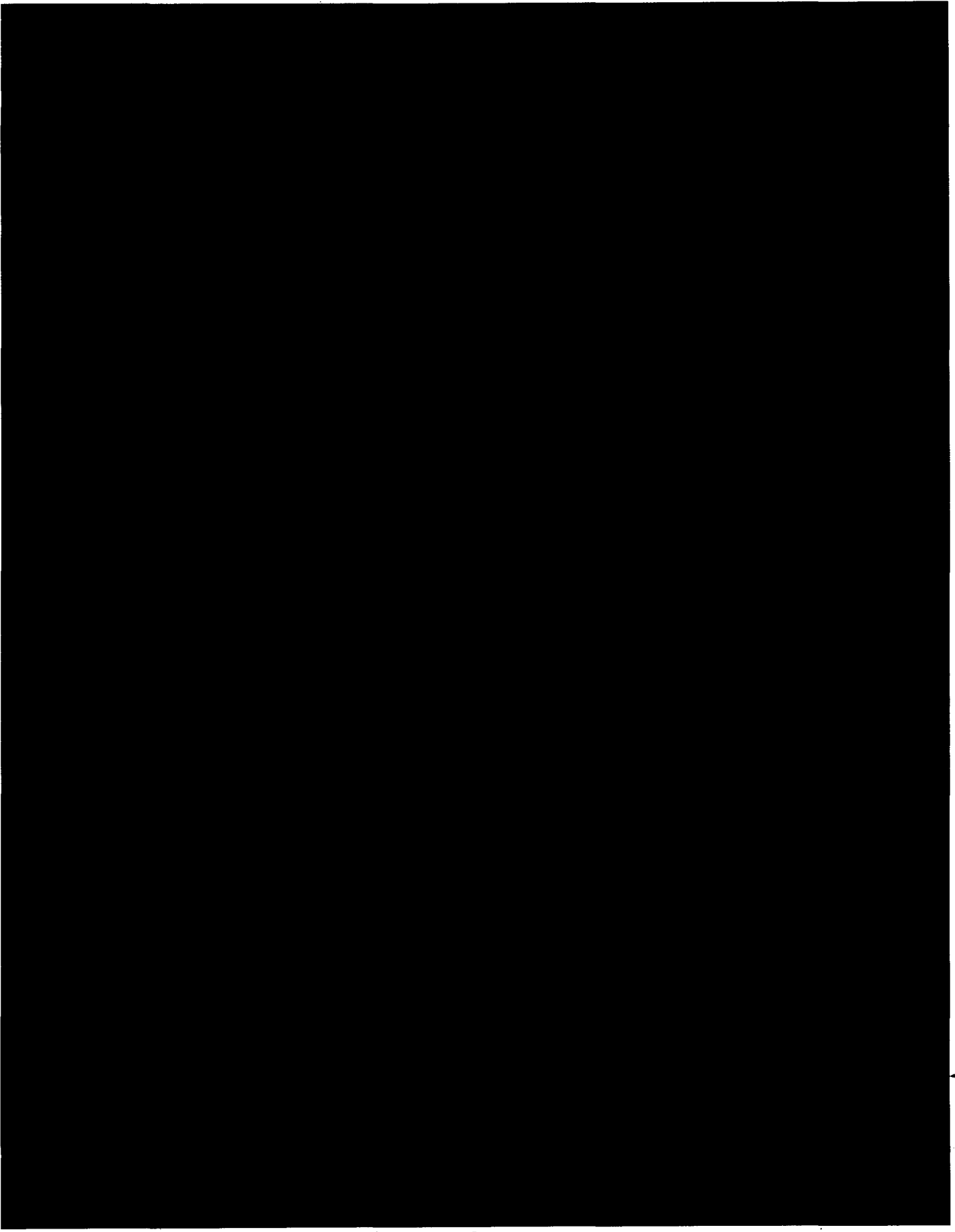
b5,  
b6

DUPLICATE OF EMAIL 46


[REDACTED]



DUPLICATE OF EMAIL 46



DUPLICATE OF EMAIL 46



Thind, Aneet

From: [REDACTED]  
 Sent: Friday, July 08, 2011 9:17 AM  
 To: [REDACTED]  
 Subject: Check out this article

b6

## Terror watch list ICE chief: Israel's inclusion on terror watch list a "mistake"

Published 8 July 2011

DHS officials are now saying Israel's inclusion on a list of countries that promote, produce, or protect terrorists was a mistake; John Morton, director of the U.S. Immigration and Customs Enforcement (ICE), said, "The addition of Israel to the list--- was based on inaccurate information provided to the OIG during the course of its audit"; a May 2011 report contained an appendix which lists "specially designated countries" that promote terrorism; the list instructed ICE agents to pay special attention to, and investigate more thoroughly, individuals from these countries arrested by ICE; ICE spokesperson suggested that Israel was included not because its government supports terrorism, but because some individual Israelis do pose a terror threat; 1.5 million of Israel's 7.5 million citizens are Arabs



ICE admits error in classifying Israel // Source: theodoresworld.net

DHS officials are now saying Israel's inclusion on a list of countries that were promoting, producing, or protecting terrorists was a mistake.

"The addition of Israel to the list... was based on inaccurate information provided to the OIG during the course of its audit," said John Morton, director of the U.S. Immigration and Customs Enforcement (ICE). "The U.S. does not and never has considered Israel to have links to terrorism, but rather they are a partner in our efforts to combat global terrorism. "The United States maintains close intelligence-sharing relationships with Israel in order to address security issues within its own borders and in our mutual pursuit of safety and security around the globe," he added.

The remarks come in response to a May 2011 report titled "Supervision of Aliens Commensurate with Risk" contained an appendix which lists "specially designated countries" that promote terrorism. Thirty-six countries were listed in addition to Israel including Turkey, Bahrain, Morocco, and the Philippines.

Of the thirty-six countries listed, only five did not have a majority Muslim population.

At the time of the report's release, Ice spokesperson Gillian Christensen said that countries could have been included on the list because of the backgrounds of their arrestees not the country's government itself.

Christensen added that the list was not necessarily a reflection of a government's policies but rather the possibility that individuals originating from that country could have terrorist ties.

▪  
 ▪ [Email to a friend](#)

[REDACTED] b6

Congressional Liaison  
Department of Homeland Security  
Office of Inspector General  
202. [REDACTED] direct  
202. [REDACTED] cell

b6

**Thind, Aneet**

---

**From:** [REDACTED]  
**Sent:** Friday, July 08, 2011 9:17 AM  
**To:** [REDACTED]  
**Subject:** RE: Israel off terror list | DoT approves flying car | Trapped couple's hotel bi

Thank you! It's an interesting story to watch- it just amazes me how quickly this erupted. Appreciate the heads up!

---

**From:** [REDACTED]  
**Sent:** Friday, July 08, 2011 9:16 AM  
**To:** [REDACTED]  
**Subject:** FW: Israel off terror list | DoT approves flying car | Trapped couple's hotel bi

b6

Making sure you see this.

---

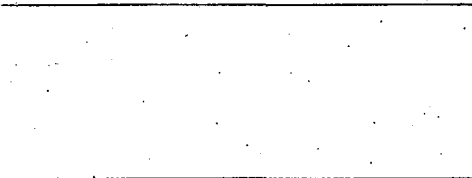
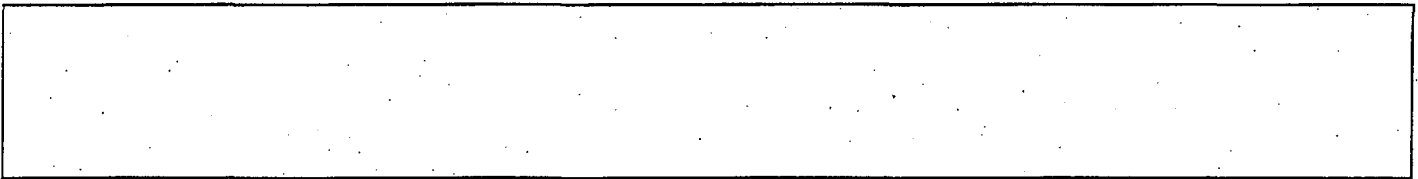
**From:** Reback, Richard  
**Sent:** Friday, July 08, 2011 9:12 AM  
**To:** Edwards, Charles; [REDACTED] Manino, Yvonne; Metelko, Marty  
**Subject:** FW: Israel off terror list | DoT approves flying car | Trapped couple's hotel bi

See first story; DHS press release is now being picked up. RR

---

**From:** Homeland Security NewsWire [mailto:ben@homelandsecuritynewswire.ccsend.com] **On Behalf Of** Homeland Security NewsWire  
**Sent:** Friday, July 08, 2011 7:00 AM  
**To:** Reback, Richard  
**Subject:** Israel off terror list | DoT approves flying car | Trapped couple's hotel bi

Having trouble viewing this email? [Click here](#)



## **terror watch list**

### **■ chief: Israel's inclusion on terror watch list a "mistake"**

U.S. officials are now saying Israel's inclusion on a list of countries that promote, produce, or protect terrorists was a mistake; John Morton, director of the U.S. Immigration and Customs Enforcement (ICE), said, "The addition of Israel to the list— was based on inaccurate information provided to the OIG during the course of its audit"; a May 2011 report contained an appendix which lists "specially designated countries" that promote terrorism; the list instructed ICE agents to pay special attention to, and investigate more thoroughly, individuals in these countries arrested by ICE; ICE spokesperson suggested that Israel was included because its government supports terrorism, but because some individual Israelis do pose a terror threat; 1.5 million of Israel's 7.5 million citizens are Arabs

[ad more](#)

## **driving cars**

### **■ first: Flying car cleared for road**

The U.S. Department of Transportation gave Massachusetts-based Terrafugia two important exemptions which would allow the company to offer its flying car — the Transition — to customers next year; the exemptions allow the company to use different tires and different laminated protective glass, and come on top of a 110 lb. allowance the FAA gave the company last year; these allowance and exemptions mean the flying car will not be treated as a plane by the FAA, and those who fly it will not have to obtain a pilot license

[ad more](#)

## **robotics/search and rescue**

### **■ flying robot can rescue people, detonate bombs**

Worcester Polytechnic Institute student-researchers have created a roving robot that can locate and rescue victims of natural disasters or participate in military missions that are too dangerous for soldiers; students created a complex algorithm that would enable the robot to locate people — or even bombs that are detonated through mobile phones

[ad more](#)

## **aviation security**

### **■ U.S. and Kenya open talks to resume direct flights**

The United States is resuming talks with Kenya to discuss the reopening of direct flights between the two countries; due to fears of terrorism from neighboring Somalia, in September 2009 U.S. officials cancelled a Delta Airlines flight just hours before the fully-booked plane was scheduled to depart; the flight would have been the first direct link between the two countries since the late 1980s

[ad more](#)

## **epidemics**

### **■ universal antibody brings universal flu vaccine closer**

Regularly changing flu vaccines with their hit-and-miss effectiveness may soon give way to a single, near-universal flu vaccine, according to a new report from scientists at the Scripps Research Institute and the Dutch biopharmaceutical company Crucell; they describe an antibody which, in animal tests, can prevent or cure infections with a broad variety of influenza viruses, including seasonal and potentially pandemic strains

[ad more](#)

### **■ cut \$1 million from DHS for Syracuse, New York?**

The Syracuse area in central New York could be receiving its last DHS grant for anti-terrorism security measures; in May, Syracuse was listed as one of the thirty-one cities across the United States scheduled to lose its funding from DHS's Urban Areas Security Initiative; under the program, Syracuse has received \$1.2 million in 2008, \$1.8 million in 2009, and this year

S awarded the county \$959,951 in grant money  
ad more

**seball security**

**.B, DHS crack down on counterfeiting at All-Star games**

for League Baseball (MLB), the Phoenix police department, and a host of federal, state, and local law enforcement agencies are joining forces to combat counterfeit ticket and merchandise sales during the 2011 MLB All-Star Week; undercover investigators will be patrolling the stadium grounds and convention center

ad more

**Trapped couple receives bill for stay in New Zealand hotel during quake**

Couple stuck in a Christchurch, New Zealand hotel after the 22 February 6.3 magnitude earthquake struck the city, was shocked to discover they had been charged for their stay; a New Zealand man and his wife were trapped on the hotel's twenty-second floor for hours and eventually were forced to escape after daringly crossing collapsed stair cases, smashing through doors, and crawling to the roof of a parking lot nearby

ad more

---

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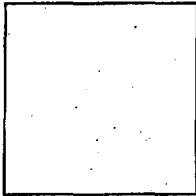
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Thind, Aneet

---

**From:** Richards, Anne  
**Sent:** Friday, July 08, 2011 9:22 AM  
**To:** [REDACTED]  
**Subject:** Re: Israel off terror list | DoT approves flying car | Trapped couple's hotel bi

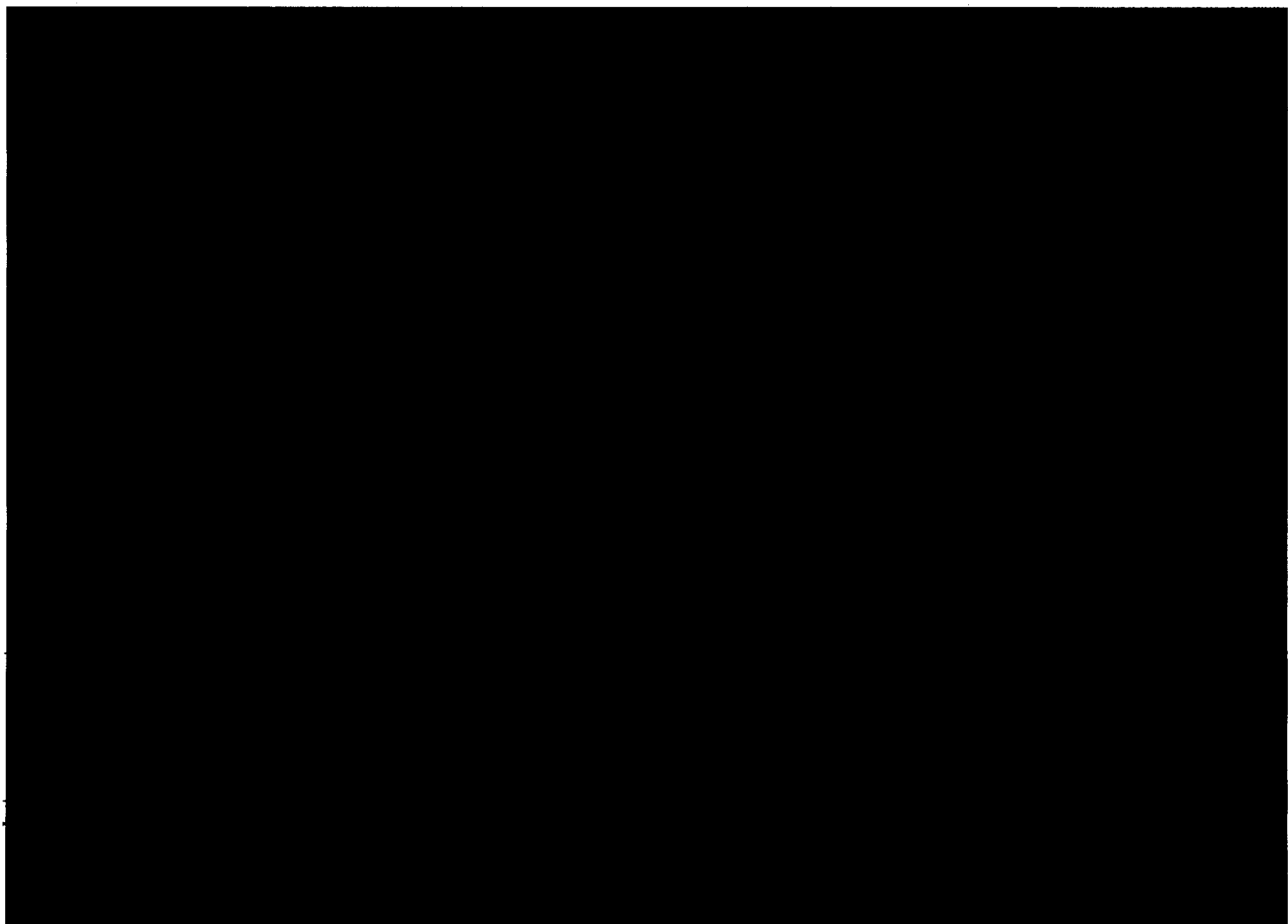
b6

Thank you

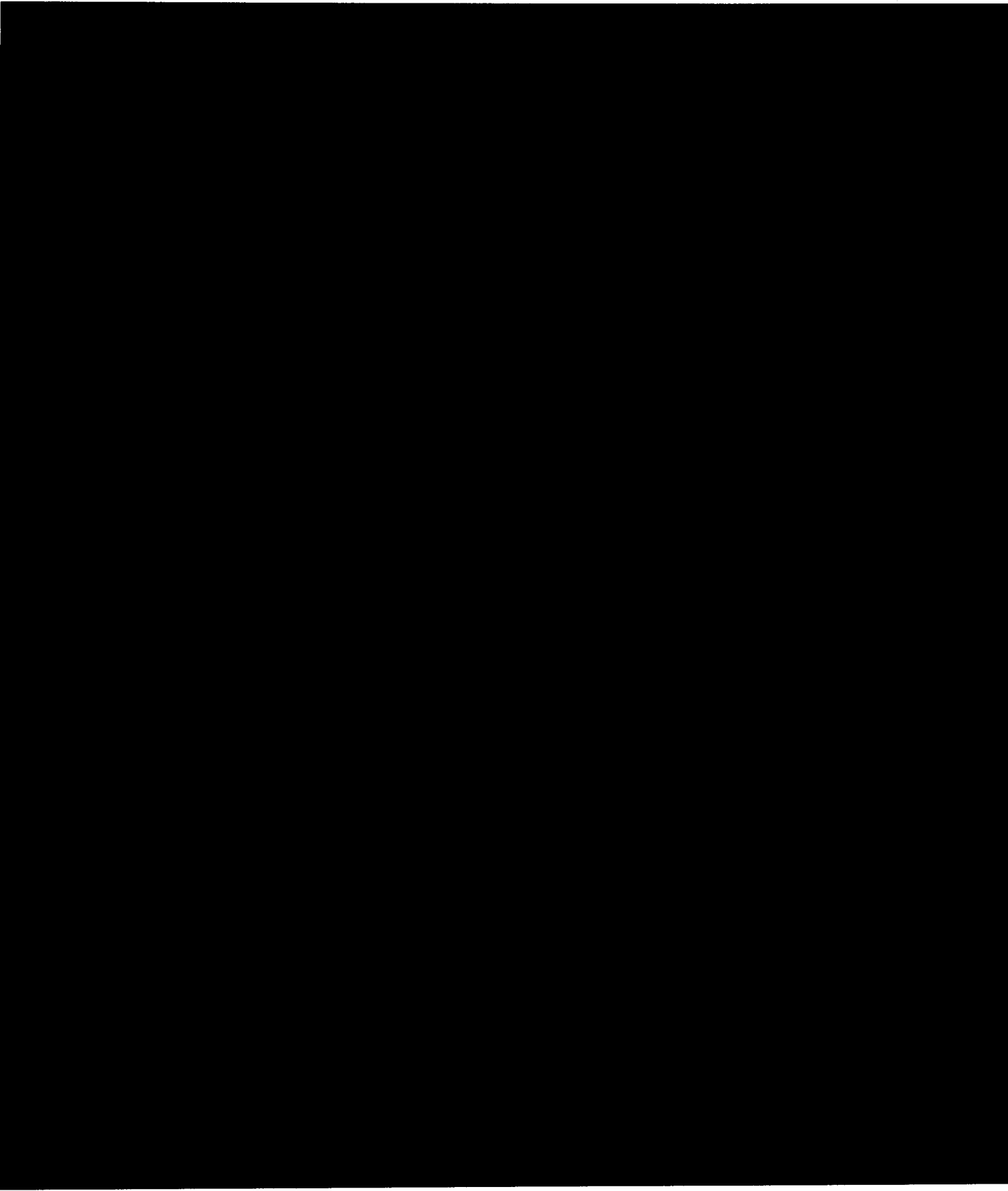
---

**From:** [REDACTED]  
**Sent:** Friday, July 08, 2011 09:12 AM  
**To:** Richards, Anne  
**Subject:** FW: Israel off terror list | DoT approves flying car | Trapped couple's hotel bi

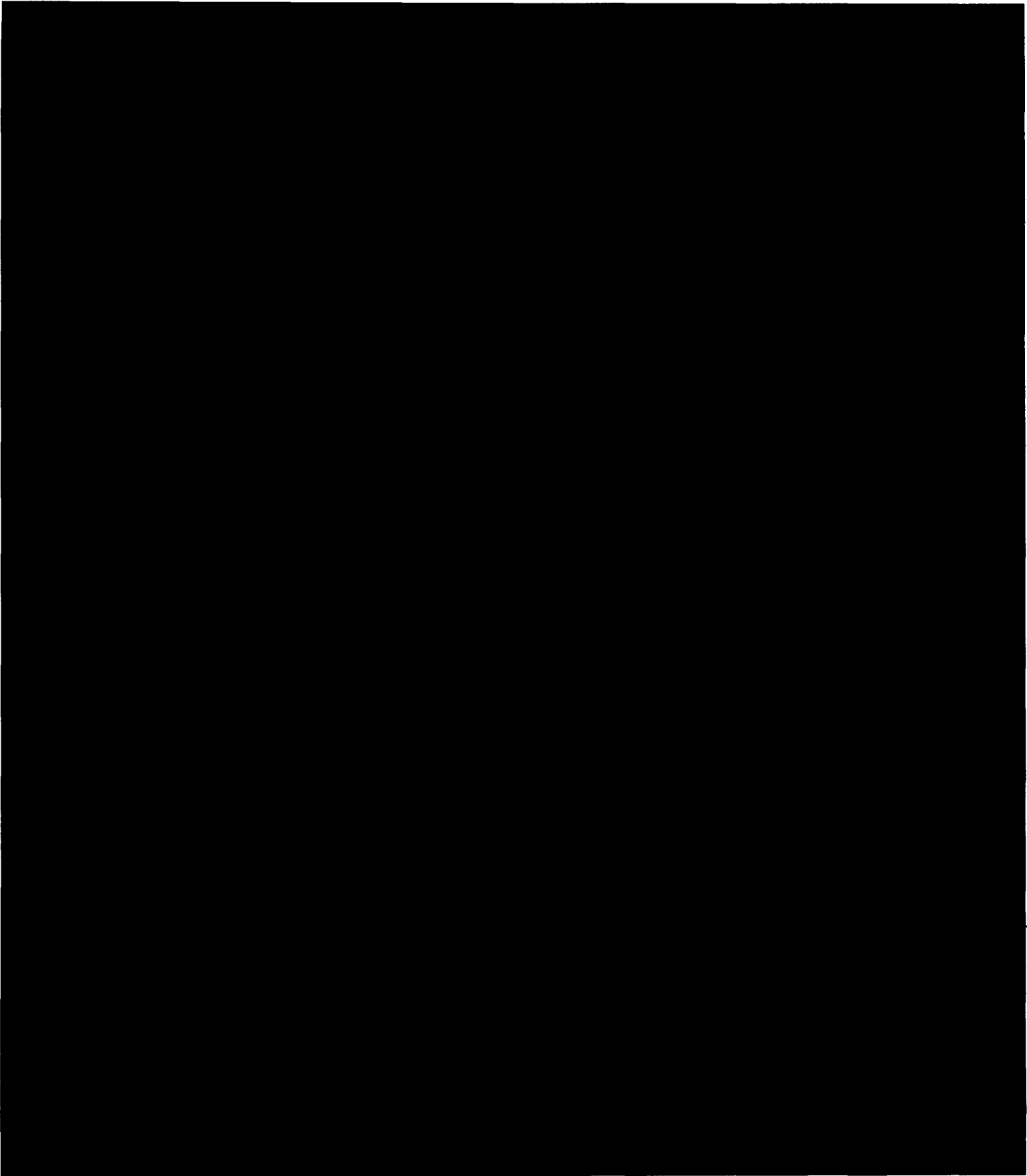
Wanted to make sure you saw this. See below.  
DUPLICATE OF EMAIL 49



DUPLICATE OF EMAIL 49



DUPLICATE OF EMAIL 49





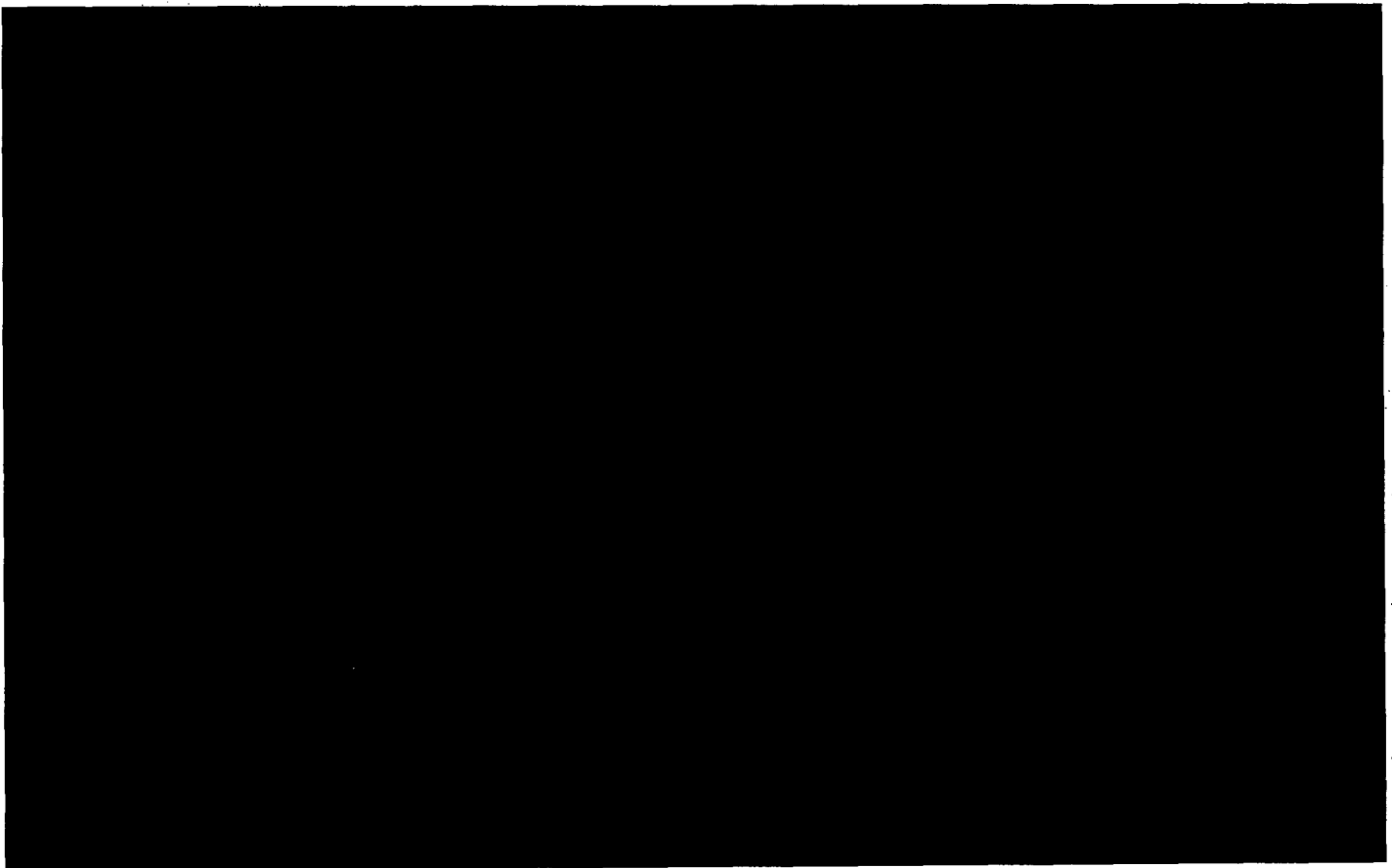
**Thind, Aneet**

---

**From:** Edwards, Charles  
**Sent:** Wednesday, July 06, 2011 1:05 PM  
**To:** Reback, Richard; Richards, Anne  
**Subject:** FW: Audit Memo  
**Attachments:** Supervision of Aliens Commensurate with Risk.pdf; Supervision of Aliens Commensurate with Risk (AIG Memo).pdf

Here is my email that I sent in March to John Morton.

DUPLICATE OF EMAIL 37



27 PAGE(S)

Draft report withheld in full  
(WIF)

**Thind, Aneet**

---

**From:** [REDACTED]  
**Sent:** Friday, July 08, 2011 10:05 AM  
**To:** Richards, Anne.  
**Subject:** RE: OIG-11-81

Will do.

Thank you,

[REDACTED]  
Program Analyst  
Office of Inspector General-Audits  
U.S. Dept. of Homeland Security  
Washington, DC  
(202) [REDACTED] ofc phone  
(202) [REDACTED] blackberry  
(202) [REDACTED] fax

b5,  
b6

---

**From:** Richards, Anne  
**Sent:** Friday, July 08, 2011 10:03 AM  
**To:** [REDACTED]  
**Subject:** OIG-11-81

[REDACTED]  
Can you pull this report [REDACTED]  
[REDACTED]? Then the [REDACTED] to be included in a revised report to be posted to the web.

Thanks  
Anne

**Manino, Yvonne**

---

**From:** Richards, Anne  
**Sent:** Friday, July 08, 2011 10:42 AM  
**To:** Manino, Yvonne  
**Subject:** FW: OIG-11-81

FYI

**From:** [REDACTED]  
**Sent:** Friday, July 08, 2011 10:43 AM  
**To:** Richards, Anne  
**Subject:** RE: OIG-11-81

Anne, the report has been updated, [REDACTED]  
they are currently working on it.

The request [REDACTED]

Thank you,

[REDACTED]  
Program Analyst  
Office of Inspector General-Audits  
U.S. Dept. of Homeland Security  
Washington, DC

(202) [REDACTED] ofc phone  
(202) [REDACTED] blackberry  
(202) [REDACTED] fax

DUPLICATE OF EMAIL 52

b5,  
b6



**Manino, Yvonne**

---

**From:** Richards, Anne  
**Sent:** Friday, July 08, 2011 10:39 AM  
**To:** Manino, Yvonne  
**Subject:** RE: Report Posted to Web (Contact 510035) (Intranet Quorum IMA00455232)

Thank you

-----Original Message-----

**From:** Manino, Yvonne  
**Sent:** Friday, July 08, 2011 10:37 AM  
**To:** Richards, Anne  
**Subject:** RE: Report Posted to Web (Contact 510035) (Intranet Quorum IMA00455232)

Anne,

I spoke with [REDACTED] about this already. We will take care of it.

Thanks,

Yvonne Sy Manino  
Acting Chief of Staff  
DHS Office of the Inspector General  
202-[REDACTED] (Office)  
202-[REDACTED] (Mobile)  
202-[REDACTED] (Fax)

b6

-----Original Message-----

**From:** Richards, Anne  
**Sent:** Friday, July 08, 2011 10:33 AM  
**To:** Manino, Yvonne  
**Subject:** FW: Report Posted to Web (Contact 510035) (Intranet Quorum IMA00455232)

Yvonne

Do I need to reply, or are you taking care of this with ITD?

Thank you  
Anne

-----Original Message-----

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Friday, July 08, 2011 10:31 AM  
**To:** Richards, Anne  
**Subject:** Report Posted to Web (Contact 510035) (Intranet Quorum IMA00455232)

CC\_AUD,

This email is being sent to notify you that your report OIG-11-81 : "Supervision of Aliens Commensurate with Risk" has been posted to the web on 06/02/2011. Please contact the OIG Helpdesk if there are any issues concerning the posting. Thanks.

OIG Webmaster

[http://dc1pts01:800/ig/workflowhome.aspx?showfolder=workflow&showcontent=ID510035&iAccount=DHS\\_OIG](http://dc1pts01:800/ig/workflowhome.aspx?showfolder=workflow&showcontent=ID510035&iAccount=DHS_OIG)

Thind, Aneet

---

From: [REDACTED]  
Sent: Friday, July 08, 2011 10:46 AM  
To: Richards, Anne  
Subject: Information Copy from [REDACTED] for E - Final Report Distribution # 510035 (Contact 510035) (Intranet Quorum IMA00455247)

b6

CC\_AUD,

Final report "OIG-11-81: Supervision of Aliens Commensurate with Risk" was reassigned to CC\_WEB to be taken down and replaced. The revised report for posting is Document 5.

Thank you

[http://dc1pts01:800/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID510035&iAccount=DHS\\_OIG](http://dc1pts01:800/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID510035&iAccount=DHS_OIG)

Thind, Aneet

From: [REDACTED]  
Sent: Friday, July 08, 2011 7:22 PM  
To: Manino, Yvonne  
Cc: [REDACTED]  
Subject: RE: Information Copy from [REDACTED] for E - Final Report Distribution # 510035 (Contact 510035) (Intranet Quorum IMA00455373)

Okay.

-----Original Message-----

From: Manino, Yvonne  
Sent: Friday, July 08, 2011 7:21 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: Re: Information Copy from [REDACTED] for E - Final Report Distribution # 510035 (Contact 510035) (Intranet Quorum IMA00455373)

My only issue is that [REDACTED]

[REDACTED] they may say that we are [REDACTED]

----- Original Message -----

From: [REDACTED]  
Sent: Friday, July 08, 2011 07:17 PM  
To: Manino, Yvonne  
Cc: [REDACTED]  
Subject: FW: Information Copy from [REDACTED] for E - Final Report Distribution # 510035 (Contact 510035) (Intranet Quorum IMA00455373)

b5,  
b6

Yvonne,

[REDACTED] and I talked about this today and we're thinking [REDACTED]

[REDACTED] Can we discuss this with you on Tuesday when [REDACTED]

[REDACTED]?

Thanks,  
[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]  
Sent: Friday, July 08, 2011 12:21 PM  
To: [REDACTED]  
Subject: Information Copy from [REDACTED] for E - Final Report Distribution # 510035 (Contact 510035) (Intranet Quorum IMA00455373)

OLA & OPA,

Final report titled "OIG-11-81: Supervision of Aliens Commensurate with Risk" is going to be taken down from the Internet and replaced with a revised version. It is Document 5. Please coordinate the transmittal email with Yvonne [REDACTED]

Thind, Aneet

**From:** [REDACTED]  
**Sent:** Friday, July 08, 2011 10:55 AM  
**To:** Edwards, Charles; Reback, Richard; Richards, Anne; Manino, Yvonne  
**Subject:** RE: Press Release  
**Attachments:** 07-08-11 Press Release - OIG-11-81 (Draft).docx

b5,  
b6

Charles: To add some meat to the Press Release, I suggest [REDACTED]  
[REDACTED] The Press Release would read:

[REDACTED]

b5

###

---

**From:** Edwards, Charles  
**Sent:** Friday, July 08, 2011 10:49 AM  
**To:** Reback, Richard; Richards, Anne; Metelko, Marty; Manino, Yvonne  
**Subject:** Press Release

Rick and Anne,

Thank you both for your valuable input. Here's what we are proceeding with.

Thanks,

Charles

Charles K. Edwards  
Acting Inspector General  
Office Of inspector General  
Department of Homeland Security

Thind, Aneet

---

**From:** Reback, Richard  
**Sent:** Friday, July 08, 2011 11:07 AM  
**To:** Edwards, Charles  
**Subject:** Re: Press Release

Thanks, RR

---

**From:** Edwards, Charles  
**Sent:** Friday, July 08, 2011 11:02 AM  
**To:** Reback, Richard  
**Subject:** FW: Press Release

Charles Edwards  
Acting Inspector General  
Office Of Inspector General  
Department of Homeland Security

---

**From:** Metelko, Marty  
**Sent:** Friday, July 08, 2011 10:55 AM  
**To:** Edwards, Charles; Reback, Richard; Richards, Anne; Manino, Yvonne

Rick,

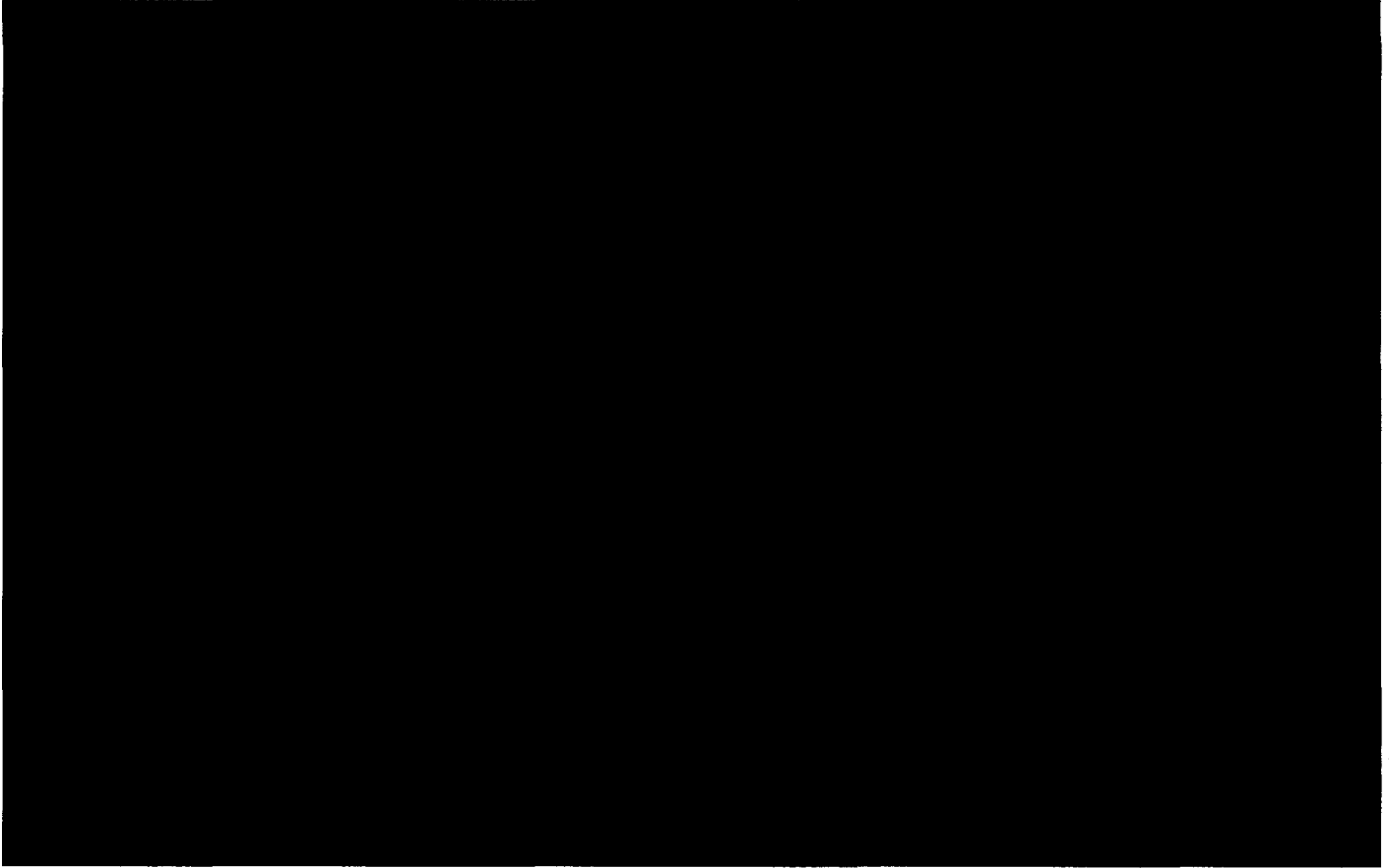
I took [REDACTED] what do you think.. b5

[REDACTED]

b5

###

DUPLICATE OF EMAIL 57





Thind, Aneet

**From:** Reback, Richard [REDACTED]  
**Sent:** Friday, July 08, 2011 11:17 AM  
**To:** Metelko, Marty; Edwards, Charles; Richards, Anne; Manino, Yvonne  
**Subject:** RE: Press Release

b5,  
b6

Can you pls verify [REDACTED]? Thanks, Rick

**From:** Metelko, Marty  
**Sent:** Friday, July 08, 2011 11:13 AM  
**To:** Edwards, Charles; Reback, Richard; Richards, Anne; Manino, Yvonne  
**Subject:** RE: Press Release

Roger that, here's how the Press Release will read:

For Immediate Release  
July 8, 2011

Office of Public Affairs  
202-254-4100

#### DHS INSPECTOR GENERAL UPDATES REPORT

Washington, DC – Washington, DC – The Office of Inspector General (OIG) has been advised that ICE incorrectly included Israel in a list of countries subject to Third Agency Checks. This list was provided to the OIG during the course of its audit, *Supervision of Aliens Commensurate with Risk*, OIG-11-81 (May 2011) and included in Appendix D. Accordingly, the OIG has revised Appendix D and reposted the report. The OIG appreciates the Department's effort to correct the record promptly.

OIG reports may be found on-line at: <http://www.dhs.gov/xoig/index.shtm>

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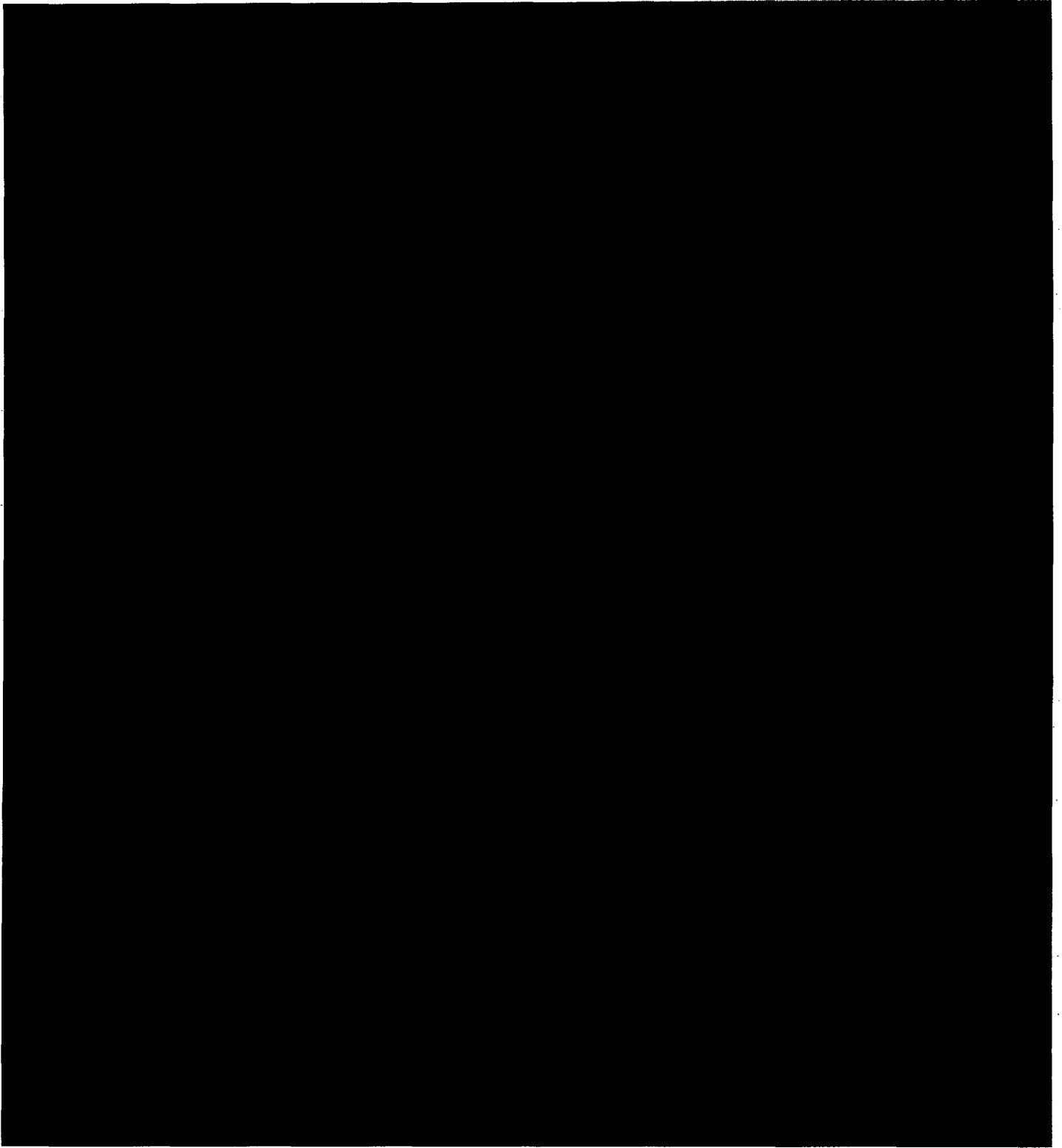
**From:** Edwards, Charles  
**Sent:** Friday, July 08, 2011 11:10 AM  
**To:** Metelko, Marty; Reback, Richard; Richards, Anne; Manino, Yvonne  
**Subject:** RE: Press Release

Let's [REDACTED] the following statement. b5

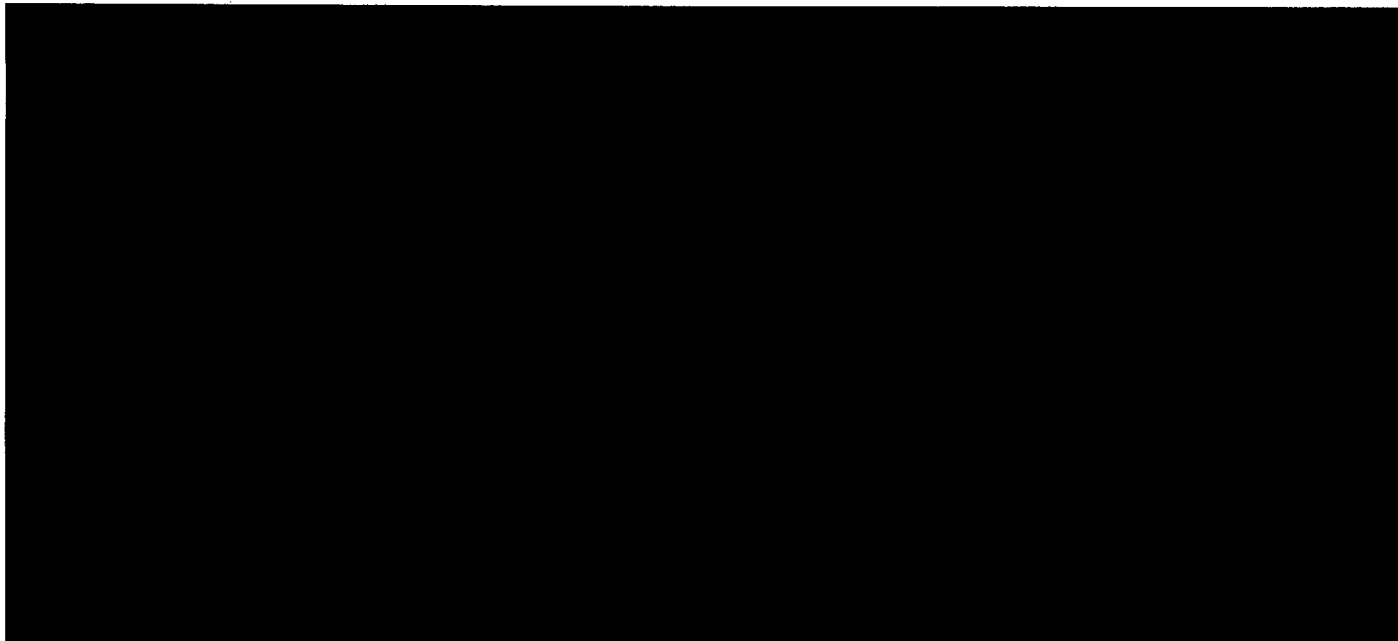
Washington, DC – The Office of Inspector General (OIG) has been advised that ICE incorrectly included Israel in a list of countries subject to Third Agency Checks. This list was provided to the OIG during the course of its audit, *Supervision of Aliens Commensurate with Risk*, OIG-11-81 (May 2011) and included in Appendix D. Accordingly, the OIG has revised Appendix D and reposted the report. The OIG appreciates the Department's effort to correct the record promptly.

OIG reports may be found on-line at: <http://www.dhs.gov/xoig/index.shtm>

Charles Edwards  
Acting Inspector General  
Office Of Inspector General  
Department of Homeland Security  
DUPLICATE OF EMAIL 57



DUPLICATE OF EMAIL 57



**Thind, Aneet**

**From:** Metelko, Marty  
**Sent:** Friday, July 08, 2011 2:01 PM  
**To:** Mead, Gary; Moy, Michael C; DeAntonio, Robert F; Allen-Gifford, Patrice; Bird, Rose M; Callahan, Mary Ellen; Claffie, Kathleen; Fong, Ivan; GAO-OIG Liaison; Grant, Daniel; hq ; Kropf, John  
**Cc:** Audit-Red Folder Distribution; Butler, Jewel; Pereira, Maryann; Pettersen, Sean; Snow, Holly; Trodden, Sharon; Herman, Andrew; Coccaro, Marisa; Crownover, Gary; Clark, Elizabeth; [REDACTED]  
**Subject:** RE: OIG-11-81 "Supervision of Aliens Commensurate with Risk" (Revised)  
**Attachments:** OIG-11-81 Supervision of Aliens Commensurate with Risk.pdf

b6

All: We were advised that ICE incorrectly included Israel in a list of countries subject to Third Agency Checks. This list was provided to us during the course of our audit, *Supervision of Aliens Commensurate with Risk*, OIG-11-81 (May 2011) and included in Appendix D. Accordingly, we have revised Appendix D and reposted the report. We appreciate the Department's effort to correct the record promptly.

The report is attached and may also be found at:

[http://www.dhs.gov/xoig/assets/mgmttrpts/OIG\\_11-81\\_May11.pdf](http://www.dhs.gov/xoig/assets/mgmttrpts/OIG_11-81_May11.pdf)

Should you have any questions, please do not hesitate to contact me.-Marty

Marta Rivera Metelko  
 Director, Public Affairs  
 Office of Inspector General  
 Department of Homeland Security  
 202. [REDACTED] / 202.254.4100  
 Fax: 202. [REDACTED]

**From:** [REDACTED]  
**Sent:** Monday, May 16, 2011 4:30 PM  
**To:** Mead, Gary; Moy, Michael C; DeAntonio, Robert F; Allen-Gifford, Patrice; Bird, Rose M; Callahan, Mary Ellen; Claffie, Kathleen; Fong, Ivan; GAO-OIG Liaison; Grant, Daniel; hq ; Kropf, John  
**Cc:** Audit-Red Folder Distribution; Butler, Jewel; Pereira, Maryann; Pettersen, Sean; Snow, Holly; Trodden, Sharon; Herman, Andrew; Coccaro, Marisa; Crownover, Gary; Clark, Elizabeth; [REDACTED]  
**Subject:** OIG-11-81 "Supervision of Aliens Commensurate with Risk"

b6

Good Afternoon,

Final Report OIG-11-81 "Supervision of Aliens Commensurate with Risk" is attached and forwarded to you for your information.

**\*This is an advance copy that has not been made public by the DHS OIG. Do Not Distribute Without OIG Authorization. The projected date for delivery to Congress is May 24, 2011. The projected date for Web posting is June 2, 2011. Actual dates may differ please contact OIG to confirm.**

[REDACTED]  
Department of Homeland Security  
Office of Inspector General/Office of Management  
(202) [REDACTED] - Office  
(202) [REDACTED] - Cell  
[REDACTED]

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# **Department of Homeland Security**

## **Office of Inspector General**

### **Supervision of Aliens Commensurate with Risk**



Office of Inspector General

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

**MAY 10 2011**

### Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the department.

This report addresses the effectiveness of Immigration and Customs Enforcement's decisionmaking process on whether to detain aliens in an Immigration and Customs Enforcement facility or place them in supervised release. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

The recommendations herein have been developed to the best knowledge available to our office, and have been discussed in draft with those responsible for implementation. We trust this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in cursive script that reads "Anne L. Richards".

Anne L. Richards  
Assistant Inspector General for Audits

## Table of Contents/Abbreviations

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Executive Summary .....	1
Background .....	2
Results of Audit .....	4
Screening of Aliens Prior to Release .....	4
Decisions to Detain or Release Aliens .....	6
Conclusion .....	12
Recommendations .....	12
Management Comments and OIG Analysis .....	13

### Appendices

Appendix A: Purpose, Scope, and Methodology .....	14
Appendix B: Management Comments to the Draft Report .....	15
Appendix C: Allocation of ERO Resources .....	17
Appendix D: Specially Designated Countries .....	18
Appendix E: Secure Communities Crime Levels .....	19
Appendix F: Uncooperative Countries .....	20
Appendix G: Major Contributors to this Report .....	21
Appendix H: Report Distribution .....	22

### Acronyms and Abbreviations

ATD	Alternatives to Detention
CAP	Criminal Alien Program
CBP	Customs and Border Protection
DHS	Department of Homeland Security
DQ&I	Data Quality and Integrity Unit
EARM	ENFORCE Alien Removal Module
ENFORCE	Enforcement Case Tracking System
ERO	Enforcement and Removal Operations
FY	fiscal year
ICE	Immigration and Customs Enforcement
INA	<i>Immigration and Nationality Act</i>
NCIC	National Crime Information Center
SC	Secure Communities
SDC	Specially designated country
TAC	Third Agency Check



# OIG

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*Department of Homeland Security*  
*Office of Inspector General*

## **Executive Summary**

Immigration and Customs Enforcement's mission is to protect the security of the American people by enforcing the nation's immigration and customs laws. This includes the identification, apprehension, detention, and removal of deportable aliens from the United States. Aliens undergoing removal proceedings are either held in an Immigration and Customs Enforcement detention facility or placed in one of five supervised release options. On September 30, 2009, 31,306 aliens were in detention facilities, an estimated 153,000 were incarcerated in federal prisons or state and local jails, and 1.5 million were released through a variety of supervision options. Our audit objective was to assess the effectiveness of Immigration and Customs Enforcement's decisionmaking process on whether to detain aliens in an Immigration and Customs Enforcement facility or place them in supervised release.

Immigration and Customs Enforcement generally has an effectively designed decisionmaking process for determining whether to detain or release aliens. In most of the cases we assessed, officers made reasonable decisions and complied with requirements of the *Immigration and Nationality Act*, Supreme Court decisions, and prescribed policies and procedures. However, personnel could not always provide evidence that all aliens were screened against the Terrorist Watchlist; current policy for screening aliens from specially designated countries is not effective; and personnel did not always maintain accurate and up-to-date information in the case management system. The agency has taken action to correct deficiencies in its data quality.

Immigration and Customs Enforcement officials concurred with two of our three recommendations. Appendix B contains written responses to the recommendations from Immigration and Customs Enforcement.

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## Background

The Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations (ERO) is responsible for the detention and removal of deportable aliens from the United States. Aliens enter the United States legally or illegally, for leisure or temporary work, or to seek lawful permanent residence. ERO has 24 field offices and 186 subfield offices, as well as the Deport Center in Chicago, Illinois.<sup>1</sup> ERO's operating budget for fiscal year (FY) 2009 was approximately \$2.5 billion. (See Appendix C for the allocation of ERO's budget by program.)

ERO identifies and apprehends aliens through a variety of programs and offices. The Criminal Alien Program (CAP) focuses on identifying criminal aliens incarcerated in federal, state, and local facilities and places a detainer<sup>2</sup> on criminal aliens to process them for removal before the termination of their sentences. The National Fugitive Operations Program apprehends aliens who fail to surrender for removal or comply with a removal order.

Like CAP, ICE's Secure Communities (SC) Initiative identifies aliens serving sentences in jails. SC uses fingerprint and biometric identification technologies to identify incarcerated aliens. SC categorizes crimes into three levels according to severity (see Appendix E for a list of crimes by level). ICE's Office of Investigations identifies aliens while investigating issues such as immigration crime, human rights violations, and human and other types of smuggling. In addition, Customs and Border Protection (CBP) apprehends aliens at and between ports of entry and along the nation's borders. When CBP cannot secure immediate return of an alien, it turns custody of the alien over to ERO.

Once ICE takes custody of an alien, processing agents conduct research to determine if the alien has a criminal or immigration history that would require ICE to detain the alien, and to determine if the alien is on the Terrorist Watchlist or wanted by another law enforcement agency.

The Enforcement Case Tracking System (ENFORCE), which includes the ENFORCE Alien Removal Module (EARM), is ERO's primary administrative case management system. EARM

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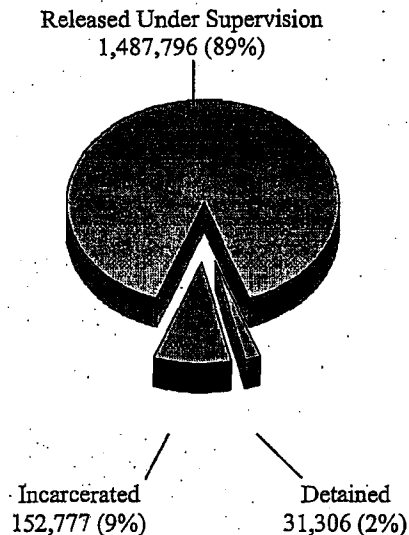
<sup>1</sup> The ICE Deport Center processes deportation dispositions resulting from the Bureau of Prisons, the Indiana and Illinois Departments of Corrections, and jails in the Chicago metropolitan area.

<sup>2</sup> A detainer is a document ERO uses to request that a correctional facility contact ERO prior to releasing an alien so that ERO may assume custody and begin a removal proceeding.

contains information such as the alien identification number, country of origin, criminal history, status of adjudication proceedings, and type of supervision. On September 30, 2009, ERO reported that it had 1,671,879 active alien cases classified as either detained or nondetained. Detained aliens are those held in ICE detention facilities, while nondetained aliens are criminal aliens incarcerated in federal, state, or local jails and aliens released on a form of ERO supervision. Every case, whether detained or nondetained, remains part of ERO's caseload, and ERO processes and monitors cases as they move through immigration court proceedings to conclusion.

According to EARM, ERO released the majority of these aliens to one of five supervision options: (1) Alternatives to Detention program (ATD); (2) order of supervision; (3) parole; (4) bond; or (5) order of recognizance. Figure 1 illustrates the distribution of ERO's alien population.

**Figure 1: Distribution of ERO's Alien Population\***  
*As of September 30, 2009*



*\* ERO provided this information; we did not verify its accuracy.*

ERO's operating procedures require levels of supervision based on an alien's stage in the removal process, flight risk, or danger to the public. According to ERO, aliens in immigration proceedings but not subject to a final order of removal generally require less supervision than aliens who are subject to a final order of removal and are awaiting their actual removal. The strictest forms of released supervision are ICE's ATD programs, which use

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electronic devices to monitor aliens, and orders of supervision, which require aliens to report periodically to ERO. ICE may choose to release aliens who pose a minimal risk to the community or risk of fleeing on parole, bond, or order of recognizance.

The primary law governing detention or release of aliens is the *Immigration and Nationality Act* (INA) of 1965, as amended. The INA grants aliens the right to a removal proceeding before an immigration judge and mandates that ICE detain certain aliens while the removal proceedings are in progress. The INA also defines which aliens are subject to mandatory detention during immigration proceedings. Aliens who are subject to mandatory detention include those convicted of crimes such as the following:

- Terrorism
- Aggravated felonies
- Human trafficking
- Controlled substance violations
- Money laundering

We assessed the effectiveness of ERO's decisionmaking process on whether to detain aliens in an ERO facility or place them in supervised release.

## **Results of Audit**

ICE generally has an effectively designed decisionmaking process for determining whether to detain or release aliens. In most of the cases we assessed, ICE officers made reasonable decisions and complied with requirements of the INA, Supreme Court decisions, and prescribed policies and procedures. However, personnel could not always provide evidence that all aliens were screened against the Terrorist Watchlist; current policy for screening aliens from designated countries is not effective; and personnel did not always maintain accurate and up-to-date information in the case management system.

### **Screening of Aliens Prior to Release**

#### **Terrorist Watchlist**

In 2005, ICE issued a policy memorandum requiring officers to conduct a search of the National Crime Information Center (NCIC) database immediately upon taking custody of any alien to determine whether the alien is a known or suspected terrorist. ICE officers perform a "wants and warrants" search through the NCIC

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database to identify aliens who are wanted by another law enforcement agency and aliens who are on the Terrorist Watchlist.

We reviewed 59 case files for aliens whom ICE released from custody to determine whether ICE screened them against the NCIC database for terrorist ties. According to NCIC records and ERO case files, ICE did not perform an NCIC check for 2 (3%) of the 59 aliens. We contacted NCIC and obtained records confirming that the aliens were not known or suspected terrorists.

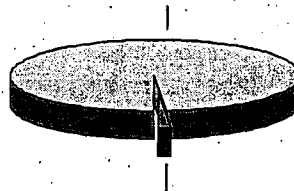
Although we found only two cases in which ICE officers did not properly screen aliens, releasing a single known or suspected terrorist could have serious ramifications.

### **Screening Aliens From Specially Designated Countries**

In addition to the Terrorist Watchlist screening, ICE uses a Third Agency Check (TAC) to screen aliens from specially designated countries (SDCs) that have shown a tendency to promote, produce, or protect terrorist organizations or their members (see appendix D for a list of SDCs). The purpose of the additional screening is to determine whether other agencies have an interest in the alien. ICE's policy requires officers to conduct TAC screenings only for aliens from SDCs if the aliens are in ICE custody. As a result, ICE does not perform a TAC for the majority of its population of aliens, which includes those incarcerated or released under supervision. Figure 2 shows the portion of aliens from SDCs who ICE held in detention.

**Figure 2: Population of Aliens From SDCs<sup>3</sup>**  
*As of September 30, 2009*

Nondetained Aliens – 105,359 (not subject to TAC)



Detained Aliens – 1,521 (subject to TAC)

We reviewed 116 case files of aliens from SDCs to determine whether ICE performed the TAC in all instances where ICE policy

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<sup>3</sup> As of September 30, 2009, ICE's database contained records for 105,359 nondetained aliens from SDCs. ICE performed a TAC screening for some of these aliens because they were in ICE custody before that date. Other Department of Homeland Security components may have screened other nondetained aliens.

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requires it. ICE officers did not always adhere to the TAC policy for screening detained aliens from SDCs. ICE should have performed a TAC prior to the alien's release in 56 (48%) of these cases. ICE did not screen 4 of the 56 aliens requiring a TAC.

ICE does not have an effective policy in place to ensure that all detained aliens from SDCs undergo a TAC screening. ICE did not screen the remaining 60 (52%) aliens in our sample because ICE did not detain the aliens in custody (51), because the Department of Justice granted the aliens relief from removal proceedings (7), or because ICE apprehended them before the date the policy went into effect (2). ICE risks releasing an alien with ties to terrorist organizations if officers do not perform a TAC on all detained and nondetained aliens from SDCs.

### **Decisions to Detain or Release Aliens**

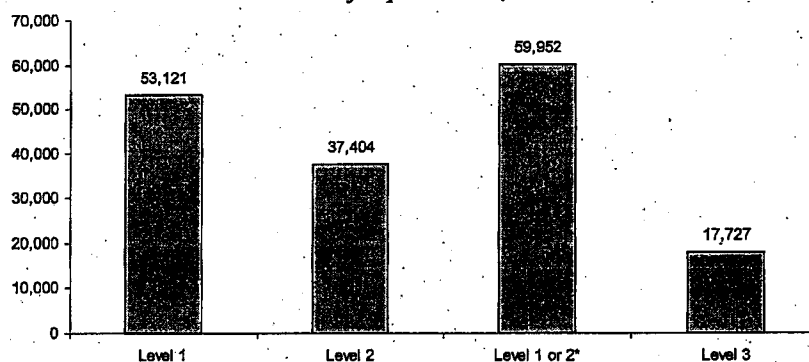
The INA grants ERO the authority to detain or release and monitor aliens who are not subject to mandatory detention. Once ERO encounters an alien, officers should screen the alien to evaluate the alien's criminal and prior immigration history and to determine if the alien is on the Terrorist Watchlist. Officers also evaluate humanitarian factors and have the option to release aliens for extenuating circumstances. For example, ICE may release aliens who are nursing mothers, sole providers, young or elderly, or have medical conditions affecting the alien or the alien's family. ERO supervisors review and approve all decisions to detain or release aliens.

In addition to the 175 cases we reviewed to assess ERO's screening process, we assessed officer custody decisions in 732 active alien cases. We selected cases where ERO released criminal aliens or detained aliens who had no criminal convictions or convictions for minor crimes. In addition, we selected cases where ERO either detained or released fugitive aliens and suspected gang members. We determined whether ERO officers detained aliens who were subject to mandatory detention, posed a threat to the public, or were likely to abscond; or released aliens with supervision that was commensurate with the risk they posed (see detailed audit methodology in Appendix A).

#### **Criminal Aliens Not in ERO Custody**

According to ERO records, on September 30, 2009, the nondetained alien population included 168,204 aliens convicted of SC Level 1, 2, or 3 crimes. Figure 3 illustrates the distribution of crime levels for released or incarcerated aliens in ERO's database.

**Figure 3: Distribution of Secure Communities Crime Levels**  
*As of September 30, 2009*



*\* The length of a sentence determines whether the offense is a Level 1 or Level 2 crime. We did not determine the lengths of sentences in these cases.*

ERO uses the SC crime levels to prioritize enforcement actions and focuses immigration enforcement on the most dangerous criminal aliens. The most dangerous criminal aliens are those charged with or convicted of a Level 1 offense, including homicide, kidnapping, and sexual assault (see Appendix E for a list of crimes by level). According to ERO records, 8,278 aliens had homicide convictions, 8,146 had sexual assault convictions, and 2,124 had kidnapping convictions. The INA mandates that ERO detain aliens convicted of these crimes during the removal process.

We reviewed 284 cases involving aliens convicted of Level 1 crimes to determine why ERO did not detain them. We also determined whether ERO provided a level of supervision commensurate with the risk the alien posed to the public. According to our analysis, 217 (76%) criminal aliens were not in ERO's custody but were in federal prisons or state or local jails serving sentences for their crimes. For example, ICE encountered an alien serving a 25-year sentence in an Arizona prison for multiple convictions, including murder, attempted murder, and weapons violations. ICE placed a detainer on the alien, requesting the prison to notify ICE before releasing the alien.<sup>4</sup>

<sup>4</sup> While we did not assess whether ERO placed detainers on all incarcerated aliens eligible for removal, our office issued an audit report that addresses the effectiveness of ICE's identification process, which includes determining whether the alien is removable and placing a detainer when applicable. See *U.S. Immigration and Customs' Identification of Criminal Aliens in Federal and State Custody Eligible for Removal from the United States* (OIG-11-26), January 2011.

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ICE released 53 (19%) criminal aliens under supervision because their countries of origin did not issue the necessary travel documents, such as a passport, within the 90-day statutory initial removal period. Although the INA mandates that ERO detain these criminal aliens during the removal process, ICE cannot detain aliens indefinitely. According to the 2001 Supreme Court decision *Zadvydas v. Davis*, ICE generally can only detain an alien beyond the initial removal period if it determines that the alien is likely to abscond if released, poses a danger to the public, or is likely to obtain travel documents in the near future. Even then, ICE may not normally detain an alien for more than 180 days if there is no significant likelihood of removal in the reasonable foreseeable future<sup>5</sup>.

The governments of Cambodia, Cuba, Iran, Laos, Pakistan, and Vietnam are generally uncooperative and will not issue travel documents when ERO tries to repatriate aliens to these countries (see Appendix F for a list of uncooperative countries). Since it is unlikely that aliens from these countries will obtain travel documents, ERO must eventually release most of them. For example, ERO encountered a Cambodian who had multiple convictions for child abuse and sexual assault. ERO detained the alien in 1999 after he completed his prison sentence and an immigration judge ordered his removal. However, because Cambodia did not issue the necessary travel documents, ERO released the alien into an ATD program in 2001.

The remaining 14 (5%) of the 284 cases were not in ICE's custody or under its supervision at the time of our review. For example, ICE removed an alien from the United States in July 2008, but the case was still active in ICE's case management system. ICE officers did not update information in EARM to show that the alien was deported.

### **Noncriminal Aliens Held in Detention**

ERO has limited detention resources and prioritizes cases to detain aliens subject to mandatory detention before other aliens. ERO has the discretion to release aliens who are not subject to mandatory detention into other, less restrictive methods of supervision, such as the ATD program or bond. According to ERO records, on September 30, 2009, 15,908 noncriminal aliens were held in detention facilities. We defined noncriminal aliens as those who

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<sup>5</sup> The INA contains a provision permitting extended detention for "terrorist aliens." 8 U.S.C. § 1226a.



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did not have an NCIC<sup>6</sup> code associated with their cases. An NCIC code indicates that the alien was convicted of, or charged with, a crime. We reviewed 280 cases involving aliens who, according to ICE data, did not have criminal convictions. For each case, we determined the reasons why ERO detained the alien.

According to our analysis, ERO officers exercised discretion and detained 72 (26%) noncriminal aliens in accordance with the INA, agency priorities, and prescribed policy and procedures. For example, ERO detained an alien because the alien would not comply with ICE officers and was a threat to the community. In addition, 36 (13%) detainees were unaccompanied juvenile aliens. During removal proceedings, ERO turns custody of these aliens over to the Department of Health and Human Services, which detains unaccompanied juvenile aliens in approved facilities and tries to reunite them with their parents or legal guardians.

Of the 280 cases, 170 (61%) aliens actually had criminal histories that required detention. The data that ERO provided did not contain the NCIC code indicating that these aliens were criminals. In some cases, there was a delay from the time of our data request to when officers entered the criminal history. In other cases, officers documented the criminal history in physical case files but not in EARM. For example, an alien had multiple convictions dating back to 1978. The convictions included homicide, a weapons offense, larceny, and burglary. ERO apprehended and deported the alien on six separate occasions since 1986. However, ERO did not record the criminal history until May 2010, when an officer entered 13 convictions or charges into EARM.

The remaining two cases were not in ICE custody at the time of our review. For example, ICE released an alien on bond in March 2009, but the alien still appeared in ICE's detained population on September 30, 2009.

### **Actions ICE Has Taken to Improve Data Quality**

ICE has taken several steps to improve the quality of the data in EARM. ICE established a Data Quality and Integrity Unit (DQ&I) in 2008. The purpose of the DQ&I is to ensure that data in EARM are accurate, reliable, and timely. The DQ&I initiated efforts to identify and correct errors in EARM, and developed a guide for officers to use when processing aliens. In addition, ICE made data

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<sup>6</sup> The National Crime Information Center maintains a law enforcement database that defines codes representing types of crimes.

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quality a priority by including it in performance evaluations for field office directors.

### **Low-Level Criminal Aliens Held in Detention**

According to ERO records, on September 30, 2009, ERO was detaining 1,504 aliens convicted of SC Level 3 crimes. These include crimes such as immigration violations, property damage, commercialized sex offenses, and extortion (see Appendix E for a full list of SC Level 3 crimes). Although these crimes are not as egregious as Level 1 or 2 crimes, the INA requires detention for some Level 3 crimes, such as commercialized sex offenses.

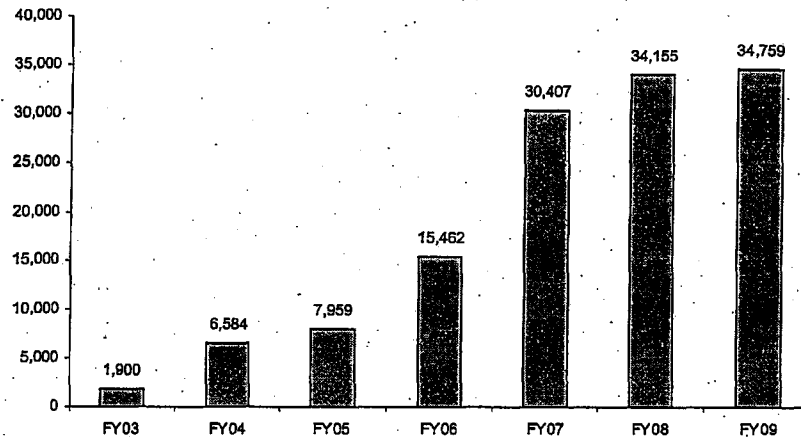
We analyzed 57 Level 3 criminal alien cases. For each case, we determined the reasons why ERO detained Level 3 criminals. According to our analysis, 45 (79%) aliens were subject to mandatory detention pursuant to requirements in the INA.

For the remaining 12 (21%) cases, the aliens were not mandatory detainees; however, officers decided to detain the aliens on the basis of risk, and in accordance with INA requirements, ICE priorities, and prescribed policies and procedures. For example, ICE detained a suspected gang member because he posed a risk to the public. According to EARM, the alien's only convictions were violation of immigration law and falsifying documents. Neither conviction required mandatory detention.

### **National Fugitive Operations Program**

The National Fugitive Operations Program's primary mission is to locate and apprehend fugitive aliens within the United States. Fugitive aliens are those who have failed to leave after receiving a final order of removal, deportation, or exclusion; or who have failed to report to ERO after receiving a notice to appear. Arresting and removing fugitive aliens is one of ICE's priorities. The number of arrests increased from FYs 2003 through 2009, as illustrated in Figure 4.

**Figure 4: Increase in Fugitive Alien Arrests**  
*FYs 2003–2009*



We reviewed 59 fugitive alien arrests made during FY 2009. For each case, we determined whether ICE detained fugitive aliens pursuant to requirements of the INA. ICE detained 47 (80%) fugitive aliens apprehended in FY 2009 and released the remaining 12 (20%). Officers exercised their discretion and released the aliens for humanitarian reasons. The following examples illustrate cases where officers exercised discretion and released fugitive aliens on an order of supervision.

- A mother who was the sole provider for two minor children
- A 71-year-old alien
- A criminal alien who suffered a broken neck in a car accident

#### **ICE's Office of Investigations—Operation Community Shield**

ICE's Office of Investigations arrested 1,785 gang members and associates, criminals, and other aliens during its 2009 Gang Surge Operation. The operation was part of the larger, nationwide Operation Community Shield, which targeted transnational street gangs involved in human smuggling and trafficking, narcotics smuggling and distribution, weapons smuggling and arms trafficking, and other crimes. According to ICE's Office of Investigations, violent transnational criminal street gangs represent a threat to public safety in neighborhoods across the United States. ICE's Office of Investigations generally recommends that ERO detain gang members to protect the public.

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We reviewed 52 gang member arrests during the Gang Surge Operation in 2009. Upon arrest, ICE turned the alien gang members over to ERO custody for removal. For each case, we determined whether ERO overturned ICE's initial custody recommendations and released the aliens. Of the 52 arrests, 47 (90%) aliens were subject to mandatory detention or ICE detained them because they posed a danger to the public. ICE's Office of Investigations recommended that ERO release three (6%) aliens because they were juveniles (two) or participating in an ongoing ICE investigation (one). The remaining two (4%) aliens were incarcerated in federal prisons or local jails. We did not identify cases where ERO overturned ICE's initial custody recommendations. However, we determined that immigration judges later released six of the aliens from detention, and ERO released one into an ATD program.

## **Conclusion**

In most of the cases we assessed, ICE officers made reasonable decisions regarding the appropriate levels of supervision and complied with requirements of the INA, Supreme Court decisions, and prescribed policies and procedures. ICE's process and procedures to screen aliens to determine the appropriate levels of supervision are generally well designed and being followed. ICE needs to enforce the requirement to screen aliens against the Terrorist Watchlist and improve its policies and procedures regarding screening aliens from SDCs and updating the information in its case management system.

## **Recommendations**

We recommend that the ICE ERO Director:

**Recommendation #1:** Enforce current policy and procedures for screening aliens against the NCIC prior to release, and develop procedures to ensure that personnel comply with the policy.

**Recommendation #2:** Revise ICE's current policy to require officers to conduct TAC screenings for all aliens from SDCs, not just those held in ICE detention facilities.

**Recommendation #3:** Develop procedures to ensure that officers comply with requirements to maintain accurate and up-to-date information in EARM.

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## **Management Comments and OIG Analysis**

We obtained written comments on the draft report from ICE's Chief Financial Officer. We included a copy of the management comments in their entirety in Appendix B. The following is an evaluation of ICE's official response.

### **Management Response on Recommendation #1**

**ICE concurred** with this recommendation, and will disseminate a broadcast message on April 15, 2011, to the Field Office Directors and Deputy Field Office Directors reinforcing the importance of conducting NCIC checks prior to release or removal of aliens.

**OIG Analysis:** We consider ICE's proposed action responsive to the recommendation and consider the recommendation resolved, but it will remain open until ICE releases this message.

### **Management Response on Recommendation #2**

**ICE did not concur** with this recommendation, indicating that the agency does not have sufficient resources to screen all aliens from SDCs.

**OIG Analysis:** ICE's current TAC policy is ineffective because ICE does not perform a TAC for 99% of the population of aliens from SDCs. Conducting TACs is additional measure that can assist ICE in identifying individuals who may pose a threat to the United States. According to ICE, TACs have resulted in high-profile prosecutions of suspected terrorists. We consider this recommendation unresolved and open.

### **Management Response on Recommendation #3**

**ICE concurred** with this recommendation and implemented two initiatives that should improve the accuracy of information in EARM. ICE updated the Alien Booking Module of the ENFORCE system to improve ICE's capability capture and track an alien's criminal history. Additionally, the ERO DQ&I implemented ongoing processes to monitor and validate data in EARM.

**OIG Analysis:** We consider ICE's proposed action responsive to the recommendation and consider this recommendation closed and resolved.

## **Appendix A**

### **Purpose, Scope, and Methodology**

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This report provides the results of our work to determine the effectiveness of ICE's decisionmaking process on whether to detain aliens in a detention facility or place them in supervised release. To achieve our objectives, we conducted fieldwork at six ICE field offices (Atlanta, Chicago, Denver, Houston, Miami, and Phoenix); reviewed 907 cases; interviewed ICE headquarters officials, deportation officers, and Office of Investigations agents regarding decisions to detain or release aliens; reviewed relevant laws, regulations, standard operating procedures, and policy; identified all active cases in ICE's EARM database on September 30, 2009; reviewed prior audit reports regarding the release or detention of aliens and ICE's decisionmaking process; assessed the reliability and validity of data provided by ICE by comparing ERO Field Office documentation with data maintained in ICE's EARM; and identified and analyzed active cases where ICE—

- Screened aliens against the Terrorist Watchlist;
- Screened aliens from specially designated countries;
- Released aliens convicted of aggravated felonies;
- Detained aliens who did not have criminal convictions;
- Detained aliens convicted of lesser crimes;
- Arrested and detained or released fugitive aliens; and
- Arrested and detained or released aliens who were suspected gang members.

We conducted our audit between March and December 2010 under the authority of the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions.

**Appendix B**  
**Management Comments to the Draft Report**

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*Office of the Chief Financial Officer*

U.S. Department of Homeland Security  
500 12<sup>th</sup> Street, SW  
Washington, DC 20535



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

March 18, 2011

**MEMORANDUM FOR:** Anne L. Richards  
Assistant Inspector General for Audits  
Office of Inspector General

**FROM:** Radha C. Sekar  
Chief Financial Officer

**SUBJECT:** Management Response to OIG Draft, "Supervision of Aliens  
Commensurate with Risk" - **FOR OFFICIAL USE ONLY**  
(FOUO) - OIG Project No. 10-092-AUD-ICE, dated January 7,  
2011

U.S. Immigration and Customs Enforcement (ICE) appreciates the opportunity to comment on the draft report. Attached is our response to each recommendation.

**Recommendation #1:** Enforce current policy and procedures for screening aliens against the NCIC prior to release, and develop procedures to ensure that personnel comply with the policy.

**ICE Response:** ICE concurs. ICE's Enforcement and Removal Operations (ERO) Headquarters Field Operations Division will disseminate a broadcast message to the Field Office Directors and Deputy Field Office Directors reinforcing the importance of our current policy regarding NCIC checks prior to release or removal. A copy of the current policy will be distributed with the broadcast message. Supervisory Detention and Deportation Officers will be responsible for ensuring that NCIC checks are completed before the aliens' release or removal. The message will be sent to the field no later than April 15, 2011.

ICE requests this recommendation be considered resolved and open pending release of the broadcast message specified above.

**Recommendation #2:** Revise ICE's current policy to require officers to conduct Third Agency Checks for all aliens from specially designated countries, not just those held in ICE detention facilities.

ICE does not concur with this recommendation and requests it be considered closed. As ICE implements its immigration enforcement initiatives, it must prioritize the use of its limited resources. While desirable, conducting Third Agency Checks (TACs) on the current non-detained population of more than 105,000 aliens from Specially Designated Countries (SDCs) cannot be justified in light of other workload demands. Pursuant to current ICE policy, a TAC

## Appendix B

### Management Comments to the Draft Report

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check will be completed on these aliens prior to removal. In addition, it is current ICE policy to conduct TAC checks as appropriate on all aliens coming into ICE custody. ICE will conduct periodic reviews to ensure existing policy is being enforced."

**Recommendation #3:** Develop procedures to ensure that officers comply with requirements to maintain accurate and up-to-date information in EARM.

**ICE Response:** ICE concurs. In a recent update to the Enforce Alien Booking Module (EABM), a Crime Entry Screen has been implemented. The mandatory screen allows officers in the field to capture the subject's criminality at the time of apprehension. In the report, OIG cited an example where an alien had multiple convictions, including a homicide, dating back to 1978. ICE deported the alien six times since 1986, but the criminal history was not entered into the Enforce Alien Removal Module (EARM) until May 2010. The new Crime Entry Screen (CES) facilitates crime data capture and has been added to both the Enforce Alien Booking Module and the Enforce Alien Removal Module to track the crimes associated with an alien as they move through the enforcement and removal processes. These new fields will provide greater uniformity of reporting and clarity of information across ICE operational units. This new CES capability allows the users to enter crimes at the time of encounter, thus enabling ICE to track a subject's criminality throughout the removals process and resulting in more robust reporting.

ICE's ERO Data Quality & Integrity (DQ&I) Tiger Teams are assisting each field office with the establishment of local DQ&I teams. The ERO DQ&I teams train and provide the field DQ&I teams with the educational resources and tools necessary to monitor their own data and to prevent and correct errors. Crime Entry Screen training is a part of this effort.

ICE is taking other measures to ensure that EARM is as current as possible. In October 2010, ERO DQ&I began a new cross-validation query. ERO DQ&I now processes a monthly query of all removal cases closed as non-criminals in EARM against NCIC/NLETS that show possible conviction indicators in their NCIC criminal record. ERO DQ&I sends the results of the query to the affected field offices and requires them to update each case in EARM. This ongoing process ensures that the criminal records are accurately reflected in EARM within one month of case resolution.

ICE believes these two initiatives will have a major impact on maintaining accurate and up-to-date information within EARM. ICE continues to seek innovative and cost-effective means to promote accuracy within EARM.

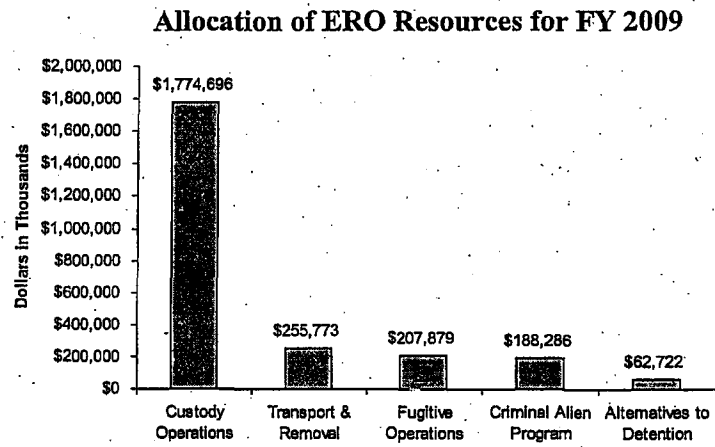
ICE requests this recommendation be considered resolved and closed.

Should you have any questions or concerns, please contact Michael Moy, OIG Portfolio Manager, at (202) 732-6263, or by e-mail at [Michael.Moy@dhs.gov](mailto:Michael.Moy@dhs.gov).



**Appendix C**  
**Allocation of ERO Resources**

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## **Appendix D**

### **Specially Designated Countries**

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ICE provided this list of specially designated countries. ICE policy requires officers to perform a TAC for detained aliens from these countries.

- Afghanistan
- Algeria
- Bahrain
- Bangladesh
- Djibouti
- Egypt
- Eritrea
- Indonesia
- Iran
- Iraq
- Jordan
- Kazakhstan
- Kuwait
- Lebanon
- Libya
- Malaysia
- Mauritania
- Morocco
- Territories of Gaza West Bank
- Oman
- Pakistan
- Philippines
- Qatar
- Saudi Arabia
- Somalia
- Sudan
- Syria
- Tajikistan
- Thailand
- Tunisia
- Turkey
- Turkmenistan
- United Arab Emirates
- Uzbekistan
- Yemen

## Appendix E

### Secure Communities Crime Levels

ICE uses the Secure Communities crime levels to prioritize enforcement actions and focuses immigration enforcement on the most dangerous criminal aliens. The most dangerous criminal aliens are those convicted of or charged with a Level 1 offense, including homicide, kidnapping, and sexual assault.

Level 1 Crimes	Level 2 Crimes	Level 3 Crimes
Homicide	Arson	Sovereignty
Kidnapping	Burglary	Military
Sexual Assault	Larceny	Immigration
Robbery	Stolen Vehicles	Extortion
Assault	Forgery	Damage Property
Threats	Fraud	Family Offenses
Extortion – Threat to Injure Person	Embezzlement	Gambling
Sex Offenses	Stolen Property	Commercialized Sex Offenses
Cruelty Toward Child, Wife	Damage Property w/Explosive	Liquor
Resisting an Officer	Traffic Offenses	Obstructing the Police
Weapon	Smuggling	Bribery
Hit and Run	Money Laundering	Health and Safety
Drugs (Sentence > 1 year)	Property Crimes	Civil Rights
	Drugs (Sentence < 1 year)	Invasion of Privacy
		Elections Laws
		Conservation
		Public Order Crimes

## **Appendix F**

### **Uncooperative Countries**

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ICE provided the following list of the top 15 countries that generally will not issue travel documents when ERO tries to repatriate aliens to these countries. This list is not all-encompassing because there are other countries that pose obstacles in repatriating aliens.

- Bangladesh
- Cambodia
- Caribbean combined (Jamaica, St. Lucia, Dominica, St. Vincent and the Grenadines, St. Kitts and Nevis, Trinidad and Tobago, Antigua and Barbuda)
- China
- Cuba
- India
- Iran
- Laos
- Liberia
- Pakistan
- Republic of Congo
- Sierra Leone
- Somalia
- Vietnam
- Zimbabwe

**Appendix G**  
**Major Contributors to this Report**

---

Jewel Butler, Director  
Maryann Pereira, Desk Officer  
Sean Pettersen, Audit Manager  
Holly Snow, Auditor-in-Charge  
Sharon Trodden, Auditor  
Andrew Herman, Auditor  
Marisa Coccaro, Program Analyst  
Gary Crownover, Program Analyst  
Lindsay Kirchoffner, Program Analyst  
Elizabeth Clark, Program Analyst

**Appendix H**  
**Report Distribution**

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**Department of Homeland Security**

Secretary  
Deputy Secretary  
Chief of Staff  
Deputy Chief of Staff  
General Counsel  
Executive Secretariat  
Director, GAO/OIG Liaison Office  
Assistant Secretary for Office of Policy  
Assistant Secretary for Office of Public Affairs  
Assistant Secretary for Office of Legislative Affairs

**Immigration and Customs Enforcement**

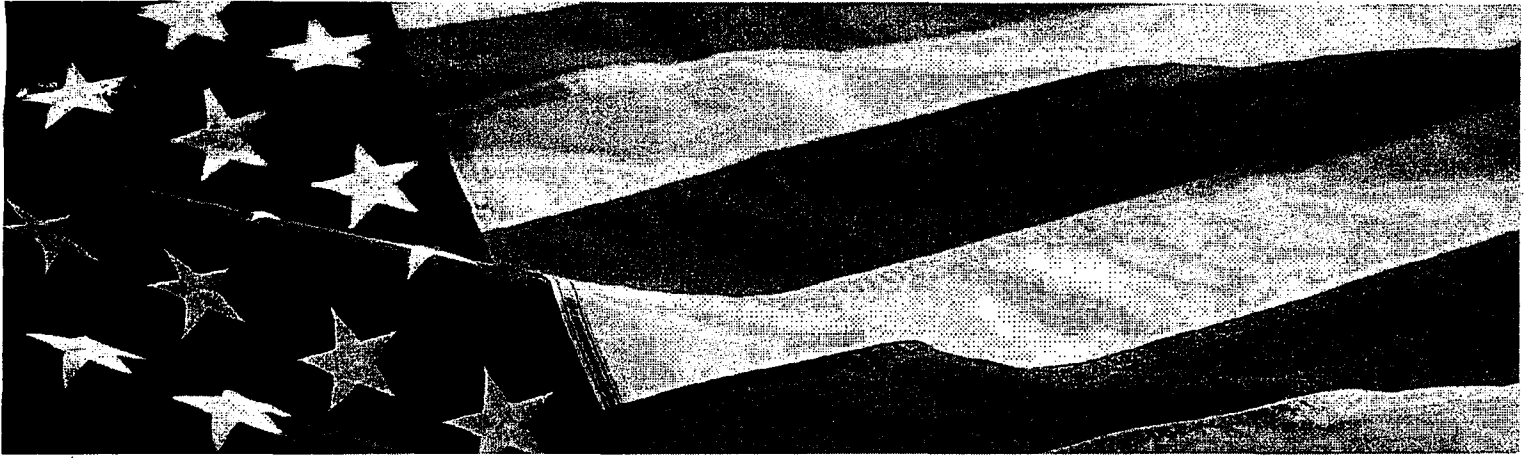
ICE Audit Liaison

**Office of Management and Budget**

Chief, Homeland Security Branch  
DHS OIG Budget Examiner

**Congress**

Congressional Oversight and Appropriations Committees, as appropriate



#### ADDITIONAL INFORMATION AND COPIES

To obtain additional copies of this report, please call the Office of Inspector General (OIG) at (202) 254-4100, fax your request to (202) 254-4305, or visit the OIG web site at [www.dhs.gov/oig](http://www.dhs.gov/oig).

#### OIG HOTLINE

To report alleged fraud, waste, abuse or mismanagement, or any other kind of criminal or noncriminal misconduct relative to department programs or operations:

- Call our Hotline at 1-800-323-8603;
- Fax the complaint directly to us at (202) 254-4292;
- Email us at [DHSOIGHOTLINE@dhs.gov](mailto:DHSOIGHOTLINE@dhs.gov); or
- Write to us at:  
DHS Office of Inspector General/MAIL STOP 2600,  
Attention: Office of Investigations - Hotline,  
245 Murray Drive, SW, Building 410,  
Washington, DC 20528.

The OIG seeks to protect the identity of each writer and caller.

**Snow, Holly**

**From:** [REDACTED]  
**Sent:** Wednesday, July 13, 2011 12:45 PM  
**To:** Snow, Holly  
**Cc:** Pettersen, Sean  
**Subject:** RE: Project File 10-092-AUD-ICE [REDACTED]

No problem my pleasure.

[REDACTED]  
[REDACTED] TeamMate Coordinator  
Department of Homeland Security (DHS)  
Office of Inspector General (OIG)  
Planning & Compliance Division  
Office of Management  
Room [REDACTED]  
Phone: 202-[REDACTED]  
Cell: 202-[REDACTED]  
Email: [REDACTED]

**From:** Snow, Holly  
**Sent:** Wednesday, July 13, 2011 2:32 PM  
**To:** [REDACTED]  
**Subject:** Re: Project File 10-092-AUD-ICE [REDACTED]

Thank you very much for all of your help!

Holly Snow  
DHS-OIG Office of Audits  
Denver Field Office  
303-[REDACTED] (bb)  
303-[REDACTED] (office)

**From:** [REDACTED]  
**Sent:** Wednesday, July 13, 2011 01:56 PM  
**To:** Snow, Holly  
**Cc:** [REDACTED] Hurley, Kim; Pettersen, Sean  
**Subject:** Project File 10-092-AUD-ICE [REDACTED]

Hi Holly,

Project [REDACTED] at the FY 10 Finalized Projects location tab [REDACTED]. You  
can add the memorandum to the project file. After adding the document, [REDACTED]  
[REDACTED]

b5,  
b6



If you have any questions, please let me know.

[REDACTED]

[REDACTED] TeamMate Coordinator  
Department of Homeland Security (DHS)  
Office of Inspector General (OIG)  
Planning & Compliance Division  
Office of Management  
Room [REDACTED]

Phone: 202-[REDACTED]

Cell: 202-[REDACTED]

Email: [REDACTED]

---

From: [REDACTED]

Sent: Wednesday, July 13, 2011 1:13 PM

To: [REDACTED]

Cc: Snow, Holly; Pettersen, Sean; Hurley, Kim

Subject: RE: Finalized Project File

Importance: High

[REDACTED]

I spoke with Holly about it. Yes, [REDACTED] of that project file to add the memorandum.

[REDACTED]

b5,  
b6

---

From: [REDACTED]

Sent: Wednesday, July 13, 2011 12:59 PM

To: [REDACTED]

Cc: Snow, Holly; Pettersen, Sean; Hurley, Kim

Subject: RE: Finalized Project File

OK.

[REDACTED]

[REDACTED] TeamMate Coordinator  
Department of Homeland Security (DHS)  
Office of Inspector General (OIG)  
Planning & Compliance Division  
Office of Management  
Room [REDACTED]

Phone: 202-[REDACTED]

Cell: 202-[REDACTED]

**Email:** [REDACTED]

**From:** [REDACTED]

**Sent:** Wednesday, July 13, 2011 12:47 PM

**To:** [REDACTED]

**Cc:** Snow, Holly; Pettersen, Sean; Hurley, Kim

**Subject:** RE: Finalized Project File

Hello [REDACTED]

I would like to talk to Holly first about this request. I will get back to you.

Thank you.

[REDACTED]  
Policy and Compliance Manager  
Planning and Compliance Division  
Office of Inspector General/Office of Management  
Department of Homeland Security

(202) [REDACTED] office  
(202) [REDACTED] mobile

b5,  
b6

**From:** [REDACTED]

**Sent:** Wednesday, July 13, 2011 12:04 PM

**To:** [REDACTED]

**Cc:** Snow, Holly; Pettersen, Sean; Hurley, Kim

**Subject:** FW: Finalized Project File

Hi [REDACTED]

Holly Snow needs to add a memorandum to **10-092-AUD-ICE FY 10 Finalized TeamMate** project file.

Is it OK to [REDACTED] Ms. Snow can add this document?

[REDACTED]  
[REDACTED] TeamMate Coordinator  
Department of Homeland Security (DHS)  
Office of Inspector General (OIG)  
Planning & Compliance Division  
Office of Management  
Room [REDACTED]  
Phone: 202-[REDACTED]  
Cell: 202-[REDACTED]  
Email: [REDACTED]

**From:** Snow, Holly  
**Sent:** Wednesday, July 13, 2011 11:44 AM  
**To:** [REDACTED] Pettersen, Sean  
**Subject:** Re: Finalized Project File

Yes [REDACTED] -that's the project file. And I would very much appreciate it if you could [REDACTED]  
[REDACTED] Just let me know if you need anything from me.

Thanks again for your help!  
Holly Snow  
DHS-OIG Office of Audits  
Denver Field Office  
303-[REDACTED] (bb)  
303-[REDACTED] (office)

---

**From:** [REDACTED]  
**Sent:** Wednesday, July 13, 2011 10:56 AM  
**To:** Snow, Holly  
**Cc:** Pettersen, Sean  
**Subject:** RE: Finalized Project File

Hi Holly,

I couldn't [REDACTED] TeamMate project file in the FY 10 Finalized projects tab.

I found 10-092-AUD-ICE [REDACTED] finalized project file FY 10 Finalized projects tab.

Is this the project file you want [REDACTED]?

If I have to [REDACTED] FY 10 finalized project file to add a memo, I'll have to get [REDACTED]

Please let me know [REDACTED]?

Once we've identified the correct file, I'll send an email message to [REDACTED] asking for [REDACTED]

Is this ok with you?

I'm telecommuting from home today. You can **send me an email message** or call me on my **Cell phone number**.

[REDACTED]

[REDACTED] TeamMate Coordinator  
Department of Homeland Security (DHS)

b5,  
b6

**Office of Inspector General (OIG)  
Planning & Compliance Division  
Office of Management**

**Room** [REDACTED]

**Phone:** 202-[REDACTED]

**Cell:** 202-[REDACTED]

**Email:** [REDACTED]

---

**From:** Snow, Holly  
**Sent:** Wednesday, July 13, 2011 10:02 AM  
**To:** [REDACTED]  
**Subject:** Re: Finalized Project File

Hi [REDACTED] - It is in the FY10 tab, and I believe the project number is [REDACTED]. I'm in training today, but I will check my bb periodically.

Thanks for your help!  
Holly Snow  
DHS-OIG Office of Audits  
Denver Field Office  
303-[REDACTED] (bb)  
303-[REDACTED] (office)

---

**From:** [REDACTED]  
**Sent:** Wednesday, July 13, 2011 08:11 AM  
**To:** Snow, Holly  
**Cc:** Pettersen, Sean  
**Subject:** RE: Finalized Project File

Hi Holly,

Where is the project file located (FY09, FY10, FY11)?

What is the Job Code Number?

[REDACTED]  
[REDACTED], TeamMate Coordinator  
Department of Homeland Security (DHS)  
Office of Inspector General (OIG)  
Planning & Compliance Division  
Office of Management  
Room [REDACTED]  
Phone: 202-[REDACTED]  
Cell: 202-[REDACTED]  
Email: [REDACTED]

b5,  
b6

**From:** Snow, Holly  
**Sent:** Tuesday, July 12, 2011 6:01 PM  
**To:** [REDACTED]  
**Cc:** Pettersen, Sean  
**Subject:** Finalized Project File

b6

Hi [REDACTED]

I need to add a memorandum to a finalized project file in TeamMate. Would you mind helping me with this?

Holly Snow

Program Analyst  
DHS-OIG Office of Audits  
Denver Field Office

(303) [REDACTED] (bb)  
(303) [REDACTED] (office)

b6

Thind, Aneet

**From:** McCoy, John [redacted]  
**Sent:** Monday, July 11, 2011 6:03 PM  
**To:** 'Richards, Anne'  
**Subject:** RE: Work papers

The question – OMG. Very tactful answer.

**From:** Richards, Anne [mailto:[redacted]]  
**Sent:** Monday, July 11, 2011 6:03 PM  
**To:** [redacted]  
**Subject:** Re: Work papers

Okay

Does the remark about [redacted] ?

Meet in the lobby at 6:45

See ya

**From:** McCoy, John [mailto:[redacted]]  
**Sent:** Monday, July 11, 2011 05:57 PM  
**To:** 'Richards, Anne' <[redacted]>  
**Subject:** RE: Work papers

b5,  
b6

I thought my headache was getting better.

I do want to go to dinner – thanks John

**From:** Richards, Anne [mailto:[redacted]]  
**Sent:** Monday, July 11, 2011 5:55 PM  
**To:** Manino, Yvonne  
**Cc:** Pettersen, Sean; Butler, Jewel; [redacted]  
**Subject:** Re: Work papers

Yvonne

[redacted] We have no [redacted] We will attach a  
record of decision that the [redacted]

That will suffice, I hope, to explain the situation to a peer reviewer.

Hope this answers your question.

Thank you

Anne

**From:** Manino, Yvonne  
**Sent:** Monday, July 11, 2011 05:44 PM  
**To:** Richards, Anne  
**Subject:** Work papers

Hi Anne,

I hope you had a good weekend.

Charles wanted me to follow up with you to [REDACTED]

[REDACTED] *Supervision of Aliens Commensurate with Risk*, OIG-11-81 (May 2011) report. I'm sure this has already been done, but with everyone's busy schedule, he wanted to make sure it was not overlooked.

Thanks,

*Yvonne Sy Manino*  
*Acting Chief of Staff*  
*DHS Office of the Inspector General*  
202-[REDACTED] (Office)  
202-[REDACTED] (Mobile)  
202-[REDACTED] (Fax)  
[REDACTED]

b5,  
b6

**Thind, Aneet**

---

**From:** Richards, Anne  
**Sent:** Monday, July 11, 2011 6:37 PM  
**To:** Manino, Yvonne; Richards, Anne  
**Cc:** Pettersen, Sean; Butler, Jewel; [REDACTED]  
**Subject:** Re: Work papers

Thank you

b6

**From:** Manino, Yvonne  
**Sent:** Monday, July 11, 2011 06:28 PM  
**To:** Richards, Anne  
**Cc:** Pettersen, Sean; Butler, Jewel; [REDACTED]  
<[REDACTED]>  
**Subject:** RE: Work papers

Anne,

That's perfect. As long as it is documented for the peer reviewer.

Thanks so much.

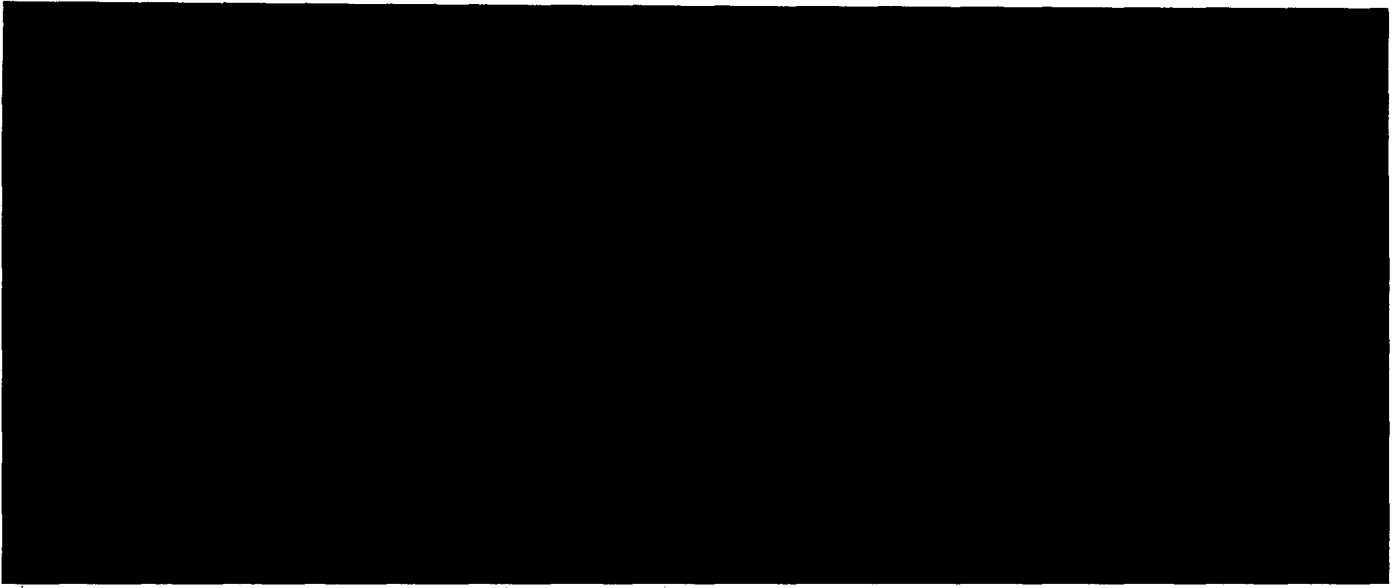
*Yvonne Sy Manino*  
Acting Chief of Staff  
DHHS Office of the Inspector General  
202-[REDACTED] (Office)  
202-[REDACTED] (Mobile)

b6

DUPLICATE OF EMAIL 62



DUPLICATE OF EMAIL 62



**Snow, Holly**

---

**From:** Butler, Jewel  
**Sent:** Tuesday, July 12, 2011 4:03 AM  
**To:** Pettersen, Sean; Snow, Holly  
**Subject:** Fw: Work papers

Sean, Holly,

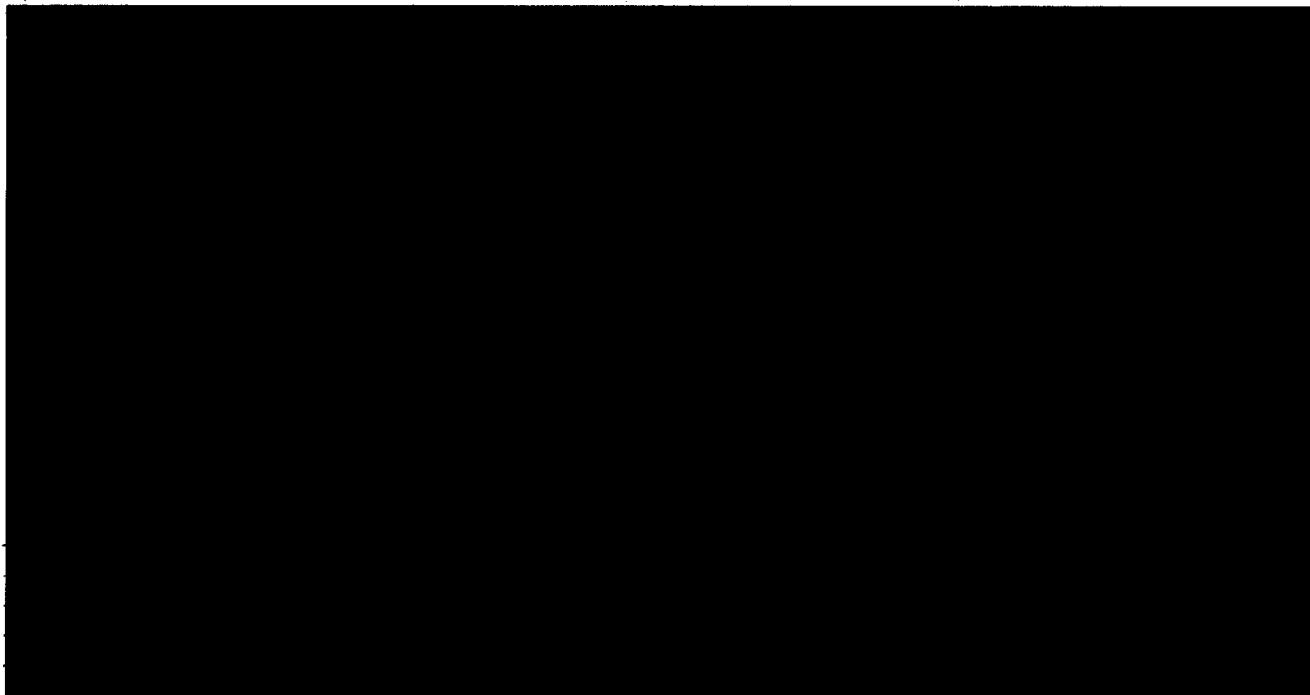
Please ensure and confirm when this is done. See below. Thanks!  
Jewel L. Butler

---

**From:** Richards, Anne  
**Sent:** Monday, July 11, 2011 05:51 PM  
**To:** Pettersen, Sean; Butler, Jewel  
**Subject:** Fw: Work papers

See below  
Thanks

DUPLICATE OF EMAIL 62



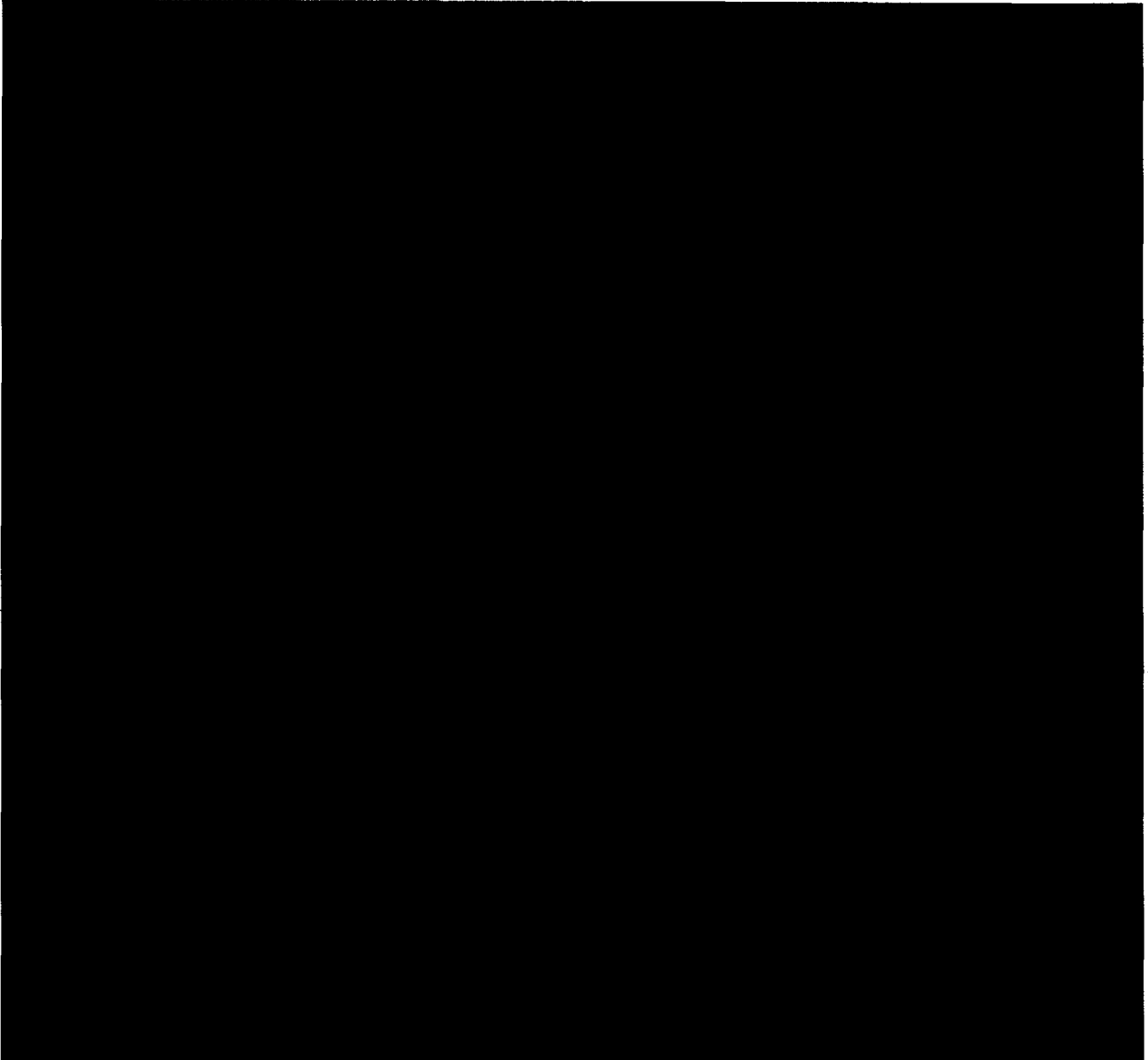
Snow, Holly

---

From: Butler, Jewel  
Sent: Tuesday, July 12, 2011 4:06 AM  
To: Pettersen, Sean; Snow, Holly  
Subject: Fw: Work papers

Disregard the first...see Anne's reply below and let me know when the record of decision is done and uploaded.  
Jewel L. Butler

DUPLICATE OF EMAIL 62



**Snow, Holly**

---

**From:** Snow, Holly  
**Sent:** Thursday, July 14, 2011 11:49 AM  
**To:** Pettersen, Sean  
**Subject:** FW: Work papers

I meant to CC you on this...

**Holly Snow**

Program Analyst  
DHS-OIG Office of Audits  
Denver Field Office  
(303) [REDACTED] (bb)  
(303) [REDACTED] (office)

---

**From:** Snow, Holly  
**Sent:** Thursday, July 14, 2011 11:48 AM  
**To:** Butler, Jewel  
**Subject:** RE: Work papers

Jewel,

Sorry for the delay on this—I had to have [REDACTED] un-finalize the project. The project file is located in the FY2010 finalized projects (10-092-AUD-ICE). I uploaded the record of decision to TeamMate in AS4.d. I also included a copy of the revised report in AS4.e and the distribution email in AS4.f. Once you have signed off on these, I will finalize the project again. Please let me know if I need to do anything else.

b6

Also, I should have my response to the FOIA request compiled by COB today.

Thanks,

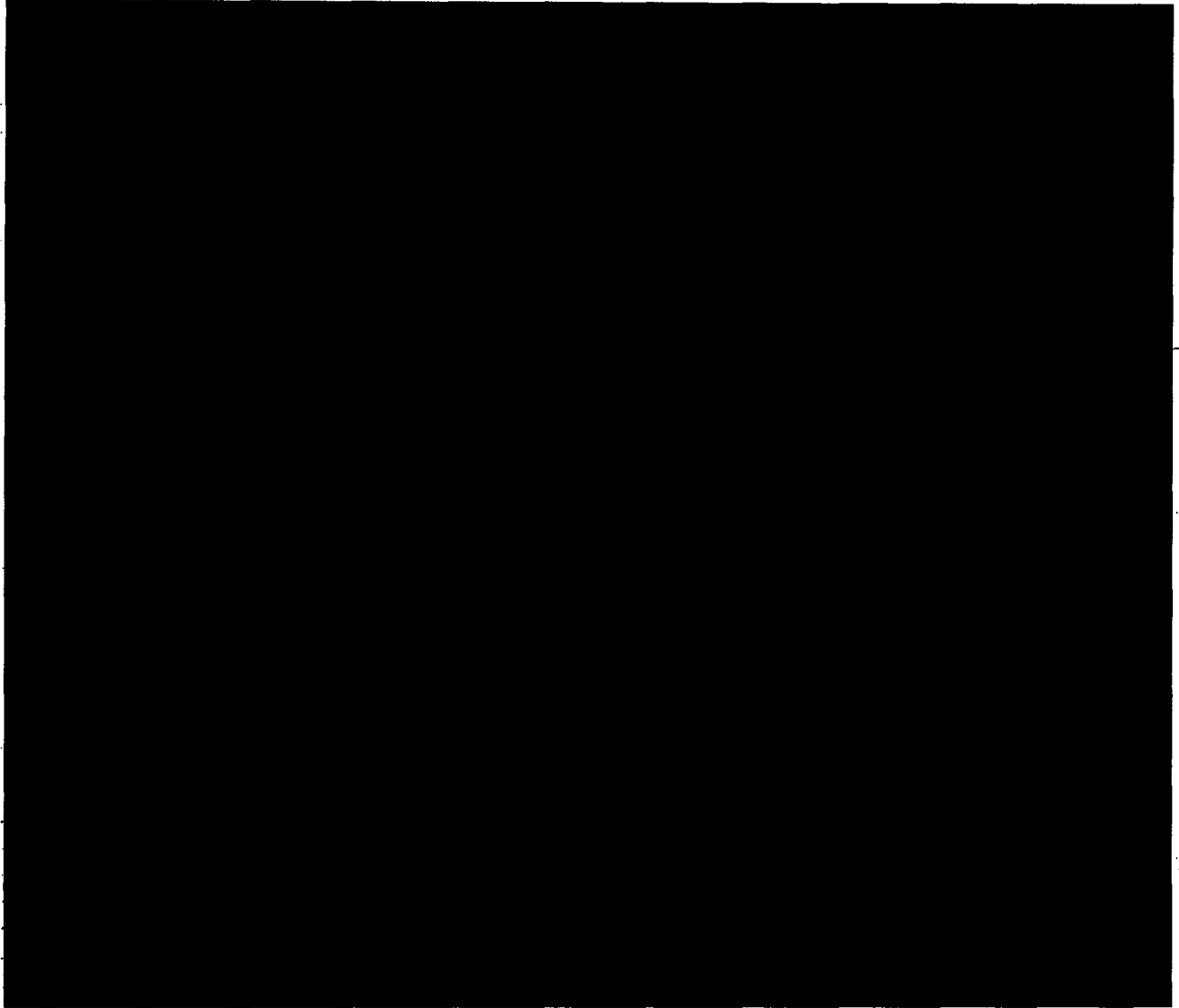
**Holly Snow**

Program Analyst  
DHS-OIG Office of Audits  
Denver Field Office  
(303) [REDACTED] (bb)  
(303) [REDACTED] (office)

DUPLICATE OF EMAIL 65



DUPLICATE OF EMAIL 65



**Thind, Aneet**

**From:** Pettersen, Sean  
**Sent:** Friday, July 15, 2011 11:23 AM  
**To:** Richards, Anne  
**Subject:** Re: Proposed Agenda for July 21st CRCL Committee Meeting

Anne,

I'm traveling today, but the team has started preparing answers to these questions. I'll be in DC next week and have a meeting @ 9:30 and an exit with CBP @ 1.

---

**From:** Richards, Anne  
**Sent:** Thursday, July 14, 2011 05:27 PM  
**To:** Butler, Jewel; Pettersen, Sean; Snow, Holly  
**Cc:** [REDACTED] <[REDACTED]>; Saenger, Stephanie  
**Subject:** Fw: Proposed Agenda for July 21st CRCL Committee Meeting

Please see agenda items and questions on Supervision of Aliens. We will need to put together answers.

We will talk about timing on Tuesday

Thanks  
 Anne

---

**From:** Mann, Carlton  
**Sent:** Thursday, July 14, 2011 05:19 PM  
**To:** Richards, Anne; Reback, Richard; Edwards, Charles; Frost, Thomas  
**Cc:** Outten-Mills, Deborah; Bell, Mark; Gaughran, James; Manino, Yvonne; McCoy, John  
**Subject:** FW: Proposed Agenda for July 21st CRCL Committee Meeting

Attached is the NGO's agenda for next week's meeting. I believe [REDACTED]. We should meet Wednesday (7/20) for a quick prep. Thanks....

Carl

---

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Thursday, July 14, 2011 5:10 PM  
**To:** Mann, Carlton  
**Cc:** [REDACTED]  
**Subject:** Proposed Agenda for July 21st CRCL Committee Meeting

b5,  
 b6

Dear Carl,

I'm attaching our proposed agenda for the July 21<sup>st</sup> CRCL Committee meeting with the OIG. Please confirm receipt of this message. You'll note that we've only listed 11 NGO and inter-governmental participants. We have interest from 2 other NGO representatives. Neither has a specific agenda item to raise but would like to observe and weigh in as appropriate. Can you make an exception and allow a 13-person meeting this time? We understand if not and can ask one of the two to bow out.

We will see you at 10 am, Thursday, July 21<sup>st</sup>, at [REDACTED]

Thanks,  
 [REDACTED]

Policy Associate  
Rights Working Group

Office:  
Blackberry:

b6

Thind, Aneet

---

**From:** Butler, Jewel  
**Sent:** Tuesday, July 19, 2011 4:51 PM  
**To:** [REDACTED]  
**Subject:** FW: Media Week In Review

FOIA from Linda

*Jewel L Butler*

Chief of Audit Operations  
Office of Inspector General- Office of Audits  
US Department of Homeland Security  
Office Phone: (202) [REDACTED]  
Business Fax: (202) [REDACTED]  
Business Cell: (202) [REDACTED]  
E-mail: [REDACTED]

b6

---

**From:** Richards, Anne  
**Sent:** Tuesday, July 19, 2011 4:50 PM  
**To:** Butler, Jewel  
**Subject:** FW: Media Week In Review

Linda's response to the FOIA request

---

**From:** Howard, Linda  
**Sent:** Tuesday, July 19, 2011 4:49 PM  
**To:** Richards, Anne  
**Subject:** FW: Media Week In Review

Anne,  
Here is the one you sent to me and my response.  
Linda

Linda R. Howard  
Director  
U.S. Department of Homeland Security  
Office of Inspector General - Audits  
Phone: (713) [REDACTED]  
BB: (713) [REDACTED]  
Fax: (713) [REDACTED]

b6

---

**From:** Howard, Linda  
**Sent:** Tuesday, July 05, 2011 11:36 AM  
**To:** Richards, Anne  
**Subject:** Re: Media Week In Review

I will look. Well timed on someone's part. Hope this week is more calm.

---

**From:** Richards, Anne  
**Sent:** Tuesday, July 05, 2011 11:07 AM  
**To:** Howard, Linda



**Subject:** FW: Media Week In Review

Check out the articles on ICE – came from Sean's Supervision of Aliens report. You all missed a fun day on Friday

---

**From:** Metelko, Marty

**Sent:** Tuesday, July 05, 2011 11:07 AM

**To:** AIGs

**Cc:** McCarron, William; [REDACTED]

b6

**Subject:** Media Week In Review

As promised:

**SYNOPSIS**

- The OIG was featured in a wide spectrum of outlets, from regional to national, including security and political themed blogs.

**KEY QUOTES**

- None

**TWITTER/BLOGS/ETC.**

- Aviation Week: GAO Studies Security at GA Airports By Kerry Lynch
- Jewish Telegraphic Agency: U.S. immigration includes Israel on watch list

**PRESS COVERAGE**

**ICE**

**CNSNews, U.S. Designates Israel as Country That Tends 'To Promote, Produce, or Protect' Terrorists; Also Calls Israel Anti-Terror Partner** By Edwin Mora

**June 29, 2011.** In an implicit admission that Israel is so threatened by terrorism that it is not only surrounded by countries and territories that produce terrorists but also unwillingly harbors terrorists within its own territory in a way that most other nations in the world do not, the Obama administration is currently listing Israel among 36 "specially designated countries" it believes "have shown a tendency to promote, produce, or protect terrorist organizations or their members."

\*Also reposted in Fox News, Newsmax.com.

**World Tribune, On U.S. list of countries which 'promote, produce, or protect' terrorists: All of Middle East**

**July 1, 2011.** WASHINGTON — The United States has deemed that the entire Middle East, including leading allies, were harboring insurgents.

**Project Shield**

**Chicago Sun-Times, Preckwinkle axes troubled 'Project Shield'** By Carol Marin and Don Moseley

**June 30, 2011.** Seven years and \$44 million questionably spent federal dollars later, Cook County Board President Toni Preckwinkle on Thursday pulled the plug on "Project Shield," a failed Homeland Security program initiated and continued by her two predecessors, John and Todd Stroger.

**Chicago Tribune, Cook County scraps faulty policy car camera program** By Erikka Slife

**June 30, 2011.** Cook County officials on Thursday pulled the plug on a troubled \$44 million effort that left faulty cameras in police cars.

**Examiner.com, Controversial post 9/11 program nixed** By Cynthia Hodges

**July 1, 2011.** On Thursday, Cook County Board President Toni Preckwinkle and Michael Masters, the new Cook County Department of Homeland Security Chief announced a decision to can "Project Shield," a failed Homeland Security program initiated under John Stroger.

**From:** DHS-OIG Office of Public Affairs  
**Sent:** Monday, July 25, 2011 11:55 AM  
**To:** Metelko, Marty  
**Subject:** FW: Media Inquiry Regarding Report -- Supervision of Aliens Commensurate With Risk

**From:** [REDACTED] [mailto:[REDACTED]] On Behalf Of [REDACTED]  
**Sent:** Monday, June 06, 2011 4:31 PM  
**To:** DHS-OIG, GPA  
**Subject:** Re: Media Inquiry Regarding Report -- Supervision of Aliens Commensurate With Risk

Thank you for your time. I will make sure to follow up with ICE. I don't see how you are unable to answer some of those questions. ICE already responded to the report's findings and I don't see what else they can add, but I will report exactly what the OIG audit says. Thank you.

b6

7/26/2011

**From:** DHS-OIG Office of Public Affairs  
**Sent:** Monday, July 25, 2011 11:55 AM  
**To:** Metelko, Marty  
**Subject:** FW: Media Inquiry Regarding Report -- Supervision of Aliens Commensurate With Risk

**From:** [REDACTED] [mailto:[REDACTED]] On Behalf Of [REDACTED]  
**Sent:** Monday, June 06, 2011 2:50 PM  
**To:** DHS-OIG, GPA  
**Subject:** Media Inquiry Regarding Report -- Supervision of Aliens Commensurate With Risk

b6

Hello,

I hope all is well. My name is [REDACTED] and I'm with CNSNews.com. I just have a few questions regarding the recent OIG report entitled -- Supervision of Aliens Commensurate With Risk.

Questions:

ICE does not screen all aliens against the Terrorist Watchlist including those incarcerated (non-detained), taken into their custody, and released?

Is it safe to say that they do not screen the majority of ERO's Alien Population against the Terrorist Watchlist since the majority are released?

ICE did not perform the required Third Agency Check (TAC) for 105, 359 (99 percent) of the population of aliens from specially designated countries as of September 30, 2009, which include incarcerated aliens (non-detained) and those released under supervision correct?

Regarding the federal, state, and local incarcerated "non-detained" aliens, are they released into the U.S. after completing their sentence?

Is it safe to say that all non-detained aliens that are incarcerated (non-detained) have committed other crimes besides coming to the country illegally?

Now the OIG reviewed 59 cases files of released aliens out of 1.5 million and found that ICE failed to perform an NCIC check (terrorist watchlist) against 2 (3% of the 59) who were confirmed as not being known or suspected terrorists. Is it accurate to generalize that about 3 percent of the 1.5 million were not screened against NCIC? Does the OIG have any reason to believe that ICE may have released individuals who were known or suspected terrorists?

The OIG also reviewed 116 cases of aliens from SDCs and found that ICE did not perform a TAC on 4 (7%) of the 56 cases requiring a TAC. Again is it accurate to generalize that ICE did not perform a TAC on about 7 percent of the cases that required a TAC?

Last question is ICE the only agency that uses the SDC list?? I've never heard of it before.

I know I am asking for a lot. I am hoping you can answer as many as you can by 5 p.m. I look forward to hearing from someone. Take care.

[REDACTED] b6

7/26/2011

**From:** [REDACTED]  
**Sent:** Monday, July 25, 2011 12:22 PM  
**To:** Metelko, Marty  
**Subject:** FW: Press Release  
**Attachments:** 07-08-11 Press Release - OIG-11-81 (Draft).docx

Hi Marty,

All my other emails regarding 11-81 had you as the main POC while I was CC'd- do I still need to provide all those emails to you? Or, is that a question for Aneet? Just let me know when you have a moment!

Thanks!  
[REDACTED]

---

**From:** Metelko, Marty  
**Sent:** Friday, July 08, 2011 12:36 PM  
**To:** [REDACTED]  
**Subject:** Press Release

All: Just want to give everyone a quick "heads-up" that we will be issuing a Press Release on *Supervision of Aliens Commensurate with Risk*, OIG-11-81. Yvonne has the release now and has asked that we re-issue the report to those who originally received the report.

b5,  
b6

Yvonne has asked PCD to send us an Information Copy of the Press Release so we have the exact wording that we can then use to send out the report.

I wanted to give everyone the "heads-up" that this is coming down the pike in order that we all keep an eye out for the info. when we receive. I'm not sure [REDACTED]

That said, what I will do [REDACTED]

Again, just a "heads-up" so everyone's aware of this issue. Here's the draft Press Release, so you have an idea of the issue.

Contact me if you have any questions, thanks.-Marty

Marta Rivera Metelko  
Director, Public Affairs  
Office of Inspector General  
Department of Homeland Security  
202 [REDACTED] / 202 [REDACTED]  
Fax: 202 [REDACTED]

7/26/2011

**From:** [REDACTED]  
**Sent:** Monday, July 25, 2011 12:29 PM  
**To:** Metelko, Marty  
**Subject:** FW: CNSNEWS: U.S. Designates Israel as Country That Tends 'To Promote, Produce, or Protect' Terrorists; Also Calls Israel Anti-Terror Partner

**From:** [REDACTED]  
**Sent:** Thursday, June 30, 2011 1:38 PM  
**To:** Metelko, Marty  
**Subject:** CNSNEWS: U.S. Designates Israel as Country That Tends 'To Promote, Produce, or Protect' Terrorists; Also Calls Israel Anti-Terror Partner

b5,  
b6

Hi Marty,

I found this article highlighting a recent OIG report, "Supervision of Aliens Commensurate With Risk." Although traditional coverage has remained relatively light, the blogosphere and social media outlets have latched onto it. Once we have [REDACTED], it might be worthwhile to think about how [REDACTED]. Thinking of [REDACTED].

**CNSNews: U.S. Designates Israel as Country That Tends 'To Promote, Produce, or Protect' Terrorists; Also Calls Israel Anti-Terror Partner**  
**Wednesday, June 29, 2011**  
**By Edwin Mora**

(CNSNews.com) - In an implicit admission that Israel is so threatened by terrorism that it is not only surrounded by countries and territories that produce terrorists but also unwillingly harbors terrorists within its own territory in a way that most other nations in the world do not, the Obama administration is currently listing Israel among 36 "specially designated countries" it believes "have shown a tendency to promote, produce, or protect terrorist organizations or their members."

Also included on the list--separately from Israel--are the Palestinian territories of the West Bank and Gaza, as well as Egypt, Jordan, Syria and Lebanon, the four nations bordering Israel.

All but five of the nations included on the administration's "specially designated country" list have majority Muslim populations (see the list below).

The five countries on the list that do not have majority Muslim populations--Kazakhstan (47 percent Muslim), Eritrea (36.5 percent Muslim), Israel (16.9 percent Muslim), the Philippines (5 percent Muslim) and Thailand (4.6 percent)--have had internal problems with radical Muslim terrorists, as reported by the State Department. The State Department has designated Eritrea as a country that is "not cooperating fully" with U.S. anti-terrorism efforts.

The Department of Homeland Security's Office of Inspector General published the list of "specially designated countries" as an appendix to an unclassified May 11 report--"Supervision of Aliens Commensurate With Risk"--that was publicly posted on the Internet. (The appendix is on page 18 of the document.)

As a matter of policy, according to the inspector general's report, citizens of Israel and other "specially designated countries" are subjected to a special security screening called a "Third Agency Check" (TAC) when they are actually detained by Immigration and Customs Enforcement (ICE), the division of the Department of

7/26/2011

Homeland Security responsible for enforcing the immigration laws.

ICE officers are supposed to check all aliens they take into custody against the Terrorist Watchlist, which includes the identities of individuals the U.S. government knows or reasonably suspects to be terrorists. When ICE holds a citizen from a "specially designated country" in its own detention facilities, according to the agency's standing policy, the individual is also supposed to be run through a TAC.

"In addition to the Terrorist Watchlist screening, ICE uses a Third Agency Check (TAC) to screen aliens from specially designated countries (SDCs) that have shown a tendency to promote, produce, or protect terrorist organizations or their members," says the inspector general's report.

"The purpose of the additional screening is to determine whether other agencies have an interest in the alien," says the report. "ICE's policy requires officers to conduct TAC screenings only for aliens from SDCs if the aliens are in ICE custody. As a result, ICE does not perform a TAC for the majority of its population of aliens, which includes those incarcerated or released under supervision."

The inspector general recommended in the report that ICE change its screening policy "to require officers to conduct TAC screenings for all aliens from SDCs, not just those held in ICE detention facilities."

"ICE's current TAC policy is ineffective because ICE does not perform a TAC for 99% of the population of aliens from SDCs," said the inspector general's report. "According to ICE, TACs have resulted in high-profile prosecutions of suspected terrorists."

In its official response to the report, ICE objected to this recommendation by the inspector general because the agency says it does not have sufficient resources to do TACs on all aliens from the specially designated countries.

Even though the administration includes Israel among "specially designated countries" that it believes "have shown a tendency to promote, produce, or protect terrorist organizations or their members," ICE Spokeswoman Gillian Christensen told CNSNews.com that the U.S. also considers Israel, as well as some other countries on the "specially designated countries" list, as partners in the struggle against terrorism.

"The U.S. does not and never has considered Israel to have links to terrorism, but rather they are a partner in our efforts to combat global terrorism," Christensen said in a written statement. "Countries may have been included on the list because of the backgrounds of arrestees, not because of the country's government itself."

"The United States maintains close intelligence-sharing relationships with many of these countries in order to address security issues within their own borders and in our mutual pursuit of safety and security around the globe," said Christensen.

ICE declined to say who put Israel on the list or when Israel was put there. However, in her written statement, ICE spokeswoman Christensen said the "specially designated country" list had been created "at least" seven years ago--which would have been during the presidency of George W. Bush--and that ICE was not responsible for creating it.

"This list of countries has been in existence for at least seven years," said Christensen. "Further, ICE does not issue such designations. As the OIG report notes, the purpose of the additional screening is to determine whether other agencies have an interest in the alien ICE has in custody."

However, on Mar. 4, 2008, the McClatchy Newspapers published a report--"Law enforcement officials secretly profiling immigrants"--that cited a memo from Ted Stark, a supervisory special agent with ICE's Office of

Intelligence, that proposed creating a single federal list of "special interest" countries (plus the West Bank and Gaza) to aid federal agencies in screening aliens.

"So many federal agencies have created different lists that U.S. officials contemplated adopting a single one to streamline the process, Stark wrote," said the McClatchey report. "The proposed list, which officials said had yet to be adopted, includes 35 countries, most with significant Muslim or Arab populations."

"The group of agencies--which included ICE, the National Security Agency and U.S. Customs and Border Protection--not only recommended one list but also suggested an interagency definition of 'special interest alien,'" said the McClatchey report. "Under the proposal, a special interest alien would be an immigrant with terrorist ties or an immigrant who by nationality, 'ethnicity or other factors may have ties or sympathies' with the listed country."

The 35 countries plus the West Bank and Gaza that were on the proposed list discussed in the ICE memo uncovered by McClatchey in March 2008 almost exactly matches the "specially designated countries" on the list published by the Department of Homeland Security's Office of Inspector General on May 11, 2011. There are only two differences: North Korea was on the list proposed in 2008; it is not on the May 2011 list. Israel was not on the list proposed in 2008; it is on the May 2011 list.

The State Department currently lists only four countries as "state sponsors of terrorism," meaning they "have repeatedly provided support for acts of international terrorism." These state sponsors of terror are Iran, Sudan, Syria, and Cuba. Iran, Sudan and Syria are all listed along with Israel on the "specially designated countries" list published by the Department of Homeland Security's Office of Inspector General on May 11. Iran, Sudan and Syria are also all majority Muslim countries.

Cuba, the one state sponsor of terror that does not share a place with Israel on the administration's "specially designated countries" list, was 85 percent Roman Catholic when the Castro regime took power, according to the CIA World Factbook. It also had Protestant, Jewish, Jehovah Witness and Santeria populations, says the CIA. According to the Pew Forum on Religion & Public Life, however, Cuba currently has only a very small Muslim population that equals only one-tenth of one percent of the total Cuban population.


CNSNews.com contacted the offices of Tom Ridge and Michael Chertoff, both of whom served as secretary of Homeland Security during the Bush administration, to ask if the department had listed Israel among "specially designated countries" during their tenures. Neither Ridge nor Chertoff responded.

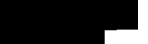

### **SPECIALLY DESIGNATED COUNTRIES**

***Here are the countries and territories on the "specially designated-country" list published on May 10, 2011 by the Department of Homeland Security's Office of Inspector General. Except for Somalia and Yemen, the CIA's World Factbook is the source for each country's Muslim population percentage. For Somalia and Yemen, the source is the Pew Research Center's 2009 report, "Mapping the Global Muslim Population."***

<b>Country or Territory</b>	<b>Muslim Population</b>
Mauritania	100 percent
Saudi	100
Turkey	99.8
Gaza Strip	99.3
Yemen	99.1

Afghanistan	99
Algeria	99
Morocco	98.7
Somalia	98.5
Tunisia	98
Iran	98
Iraq	97
Libya	97
United Arabs Emirates	96
Uzbekistan	96
Djibouti	94
Pakistan	95
Jordan	92
Tajikistan	90
Egypt	90
Bangladesh	89.5
Turkmenistan	89
Indonesia	86.1
Kuwait	85
Bahrain	81.2
Qatar	77.5
West Bank	75
Oman	75
Syria	74
Sudan	70
Malaysia	60.4
Lebanon	59.7
Kazakhstan	47
Eritrea	36.5
Israel	16.9
Philippines	5
Thailand	4.6

  
 Public Affairs Specialist  
 Office of the Inspector General  
 Department of Homeland Security

Direct: 202.   
 BlackBerry: 202. 

b6

7/26/2011



FW: OIG-11-81 Supervision of Aliens Commensurate with Risk  
From: [REDACTED]  
Sent: Monday, July 25, 2011 12:16 PM  
To: Metelko, Marty  
Subject: FW: OIG-11-81 "Supervision of Aliens Commensurate with Risk"

-----Original Message-----

From: [REDACTED]  
Sent: Friday, July 15, 2011 3:45 PM  
To: [REDACTED]  
Subject: RE: OIG-11-81 "Supervision of Aliens Commensurate with Risk"

You don't need to attribute the statement to me- please use DHS OIG or The Office of Inspector General.

Thanks so much for checking! I look forward to working with you as well.

Thank you!

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]  
Sent: Friday, July 15, 2011 3:39 PM  
To: [REDACTED]  
Subject: Re: OIG-11-81 "Supervision of Aliens Commensurate with Risk"

seems clear to me. I will included in my piece, which should go up by 5 today. CNSNews.com. Thank you so much for getting back to me and I look forward to working with you. I can attribute this to you correct?? Take care.

b5;  
b6

>  
>  
> Washington, DC - The Office of Inspector General (OIG) has been  
> advised that ICE incorrectly included Israel in a list of countries  
> subject to Third Agency Checks. This list was provided to the OIG  
> during the course of its audit, Supervision of Aliens Commensurate  
> with Risk, OIG-11-81 (May 2011) and included in Appendix D.  
> Accordingly, the OIG has revised Appendix D and reposted the report.  
> The OIG appreciates the Department's effort to correct the record promptly.

>  
>  
> Best,

> [REDACTED]  
>  
> [REDACTED]  
> Public Affairs Specialist  
> Office of the Inspector General  
> Department of Homeland Security

> [REDACTED]  
> Direct: 202. [REDACTED]  
>

FW OIG-11-81 Supervision of Aliens Commensurate with Risk

> BlackBerry: 202. [REDACTED] b6

>>  
>>

**From:** [REDACTED]  
**Sent:** Monday, July 25, 2011 12:16 PM  
**To:** Metelko, Marty  
**Subject:** FW: DHS OIG 11-81 Supervision of Aliens with Commensurate Risk.

**From:** [REDACTED]  
**Sent:** Friday, July 01, 2011 4:36 PM  
**To:** [REDACTED]  
**Subject:** DHS OIG 11-81 Supervision of Aliens with Commensurate Risk.

Hi [REDACTED]

Thank you for contacting the Department of Homeland Security Office of Inspector General regarding report 11-81, Supervision of Aliens Commensurate with Risk.

b6

Any questions regarding policy of the administration should be directed to the Department of Homeland Security at 202.282.8010. The Department of Homeland Security Office of Inspector General believes that our reports stand on their own. Should you have any additional questions, please do not hesitate to ask.

Thank you,  
[REDACTED]

[REDACTED]  
Public Affairs Specialist  
Office of the Inspector General  
Department of Homeland Security

Direct: 202. [REDACTED]  
BlackBerry: 202. [REDACTED]

7/26/2011

**Edwards, Charles**

**From:** Kroloff, Noah [REDACTED]  
**Sent:** Friday, July 08, 2011 9:23 AM  
**To:** Edwards, Charles; Kroloff, Noah; Sandweg, John  
**Subject:** Re: ICE supervision of aliens commensurate with risk

Ok. Many thanks, charles. This was an ice issue, not with oig.

---

**From:** Edwards, Charles [mailto:[REDACTED]]  
**Sent:** Friday, July 08, 2011 09:19 AM  
**To:** Kroloff, Noah <[REDACTED]>; Sandweg, John <[REDACTED]>  
**Subject:** RE: ICE supervision of aliens commensurate with risk

Gentlemen,

Based on the press release from ICE, I am posting a corrected version of the report with Israel being removed from the TAC list.

Thanks,

Charles

Charles Edwards  
Acting Inspector General  
Office Of Inspector General  
Department of Homeland Security

b5,  
b6

---

**From:** Edwards, Charles  
**Sent:** Friday, July 01, 2011 5:09 PM  
**To:** 'Kroloff, Noah'  
**Subject:** ICE supervision of aliens commensurate with risk

Hi Noah,

We followed [REDACTED]

provided [REDACTED]

Pursuant to

ICE

seek to [REDACTED]

Likewise, [REDACTED]

Thanks,

Charles

Charles Edwards  
Acting Inspector General  
Office Of Inspector General  
Department of Homeland Security





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

September 20, 2011

**RE: ICE FOIA Case Number 2011FOIA14096  
DHS OIG FOIA Case Number 2011-144**

This is in response to your Freedom of Information Act (FOIA) request to the U.S. Department of Homeland Security (DHS) Office of the Inspector General (OIG), dated July 8, 2011.

In a memorandum dated September 15, 2011, DHS OIG referred your request and twenty (20) responsive pages of documents to ICE for review, processing, and direct response to you.

After review, I have determined that portions of those documents will be withheld pursuant to Exemptions 6, 7(C) and 7(E) of the FOIA as described below.

**FOIA Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The types of documents and/or information that we have withheld may consist of social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

**FOIA Exemption 7(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

**FOIA Exemption 7(E)** protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

Please be advised that additional portions of these documents have been withheld by DHS OIG. Should you wish to appeal DHS OIG's determinations, please reference DHS OIG's appeal instructions in their September 15, 2011 response letter.

You have the right to appeal our withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter to: U.S. Immigration Customs Enforcement, Office of Principal Legal Advisor, U.S. Department of Homeland Security, Freedom of Information Office, 500 12<sup>th</sup> Street, S.W., Stop 5009 Washington, D.C. 20536-5009, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.<sup>1</sup>

If you need to contact our office about this matter, please refer to FOIA case number **2011FOIA14096**. This office can be reached at (202) 732-0600 or (866) 633-1182.

Sincerely,



FOP  
Catrina M. Pavlik-Keenan  
FOIA Officer

Enclosures: Your July 8, 2011 FOIA Request

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<sup>1</sup> 6 CFR § 5.11(d)(4).



**From:** Metelko, Marty  
**Sent:** Tuesday, July 05, 2011 11:31 AM  
**To:** 'Gonzalez, Barbara'; Metelko, Marty  
**Cc:** ; Hale, Brian P  
**Subject:** RE: ICE supervision of aliens commensurate with risk

Thanks- this is helpful.

b6

Marta Rivera Metelko  
Director, Public Affairs  
Office of Inspector General  
Department of Homeland Security  
202. / 202.  
Fax: 202.

**From:** Gonzalez, Barbara (b)(6), (b)(7)(c) ICE  
**Sent:** Tuesday, July 05, 2011 11:30 AM  
**To:** Metelko, Marty  
**Cc:** Norris, Rachael; Hale, Brian P  
**Subject:** RE: ICE supervision of aliens commensurate with risk

Also, here is our statement on the matter.

"The U.S. does not and never has considered Israel to have links to terrorism, but rather they are a partner in our efforts to combat global terrorism. Further, ICE does not issue such designations. As the OIG report notes, the purpose of the additional screening is to determine whether other agencies have an interest in the alien ICE has in custody. This list of countries has been in existence for at least seven years; countries may have been included on the list [REDACTED] backgrounds of arrestees, not because of the country's government itself. The United States maintains close intelligence-sharing relationships with many of these countries in order to address security issues within their own borders and in our mutual pursuit of safety and security around the globe."

Portion  
for ICE  
review  
and  
response  
to  
requester.

Barbara Gonzalez  
Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)  
202- (office)  
305- (b)(6), (b)(7)(c) ICE (cell)

**From:** Metelko, Marty [mailto: ]  
**Sent:** Tuesday, July 05, 2011 10:11 AM  
**To:** Gonzalez, Barbara  
**Cc:**  
**Subject:** FW: ICE supervision of aliens commensurate with risk

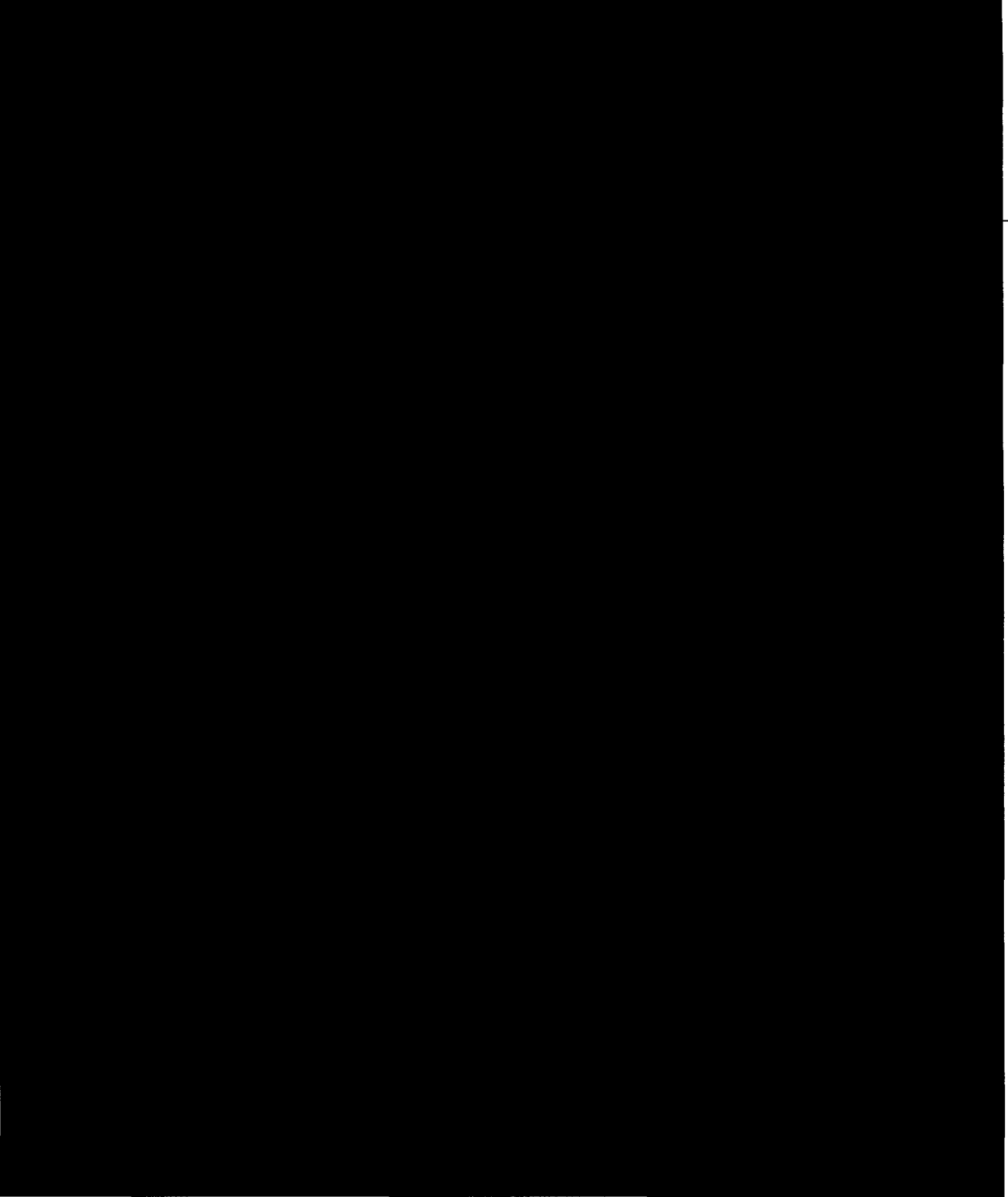
b6

Hi Barbara: This is Marty Metelko from the DHS OIG. I just sent this to Kelly and received her "out of office." I also left you a voicemail.

Let me know if there's anything you may need from me.-Marty

7/26/2011

DUPLICATE OF EMAIL 16



7/26/2011

Thind, Aneet

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**From:** Reback, Richard  
**Sent:** Tuesday, July 05, 2011 4:21 PM  
**To:** Metelko, Marty  
**Subject:** RE: On being a "former".....

Thanks, RR

---

**From:** Metelko, Marty  
**Sent:** Tuesday, July 05, 2011 3:41 PM  
**To:** Reback, Richard; Richards, Anne; Edwards, Charles  
**Subject:** RE: On being a "former".....

FYI -- Here's the statement that ICE is making on this issue:

"The U.S. does not and never has considered Israel to have links to terrorism, but rather they are a partner in our efforts to combat global terrorism. Further, ICE does not issue such designations. As the OIG report notes, the purpose of the additional screening is to determine whether other agencies have an interest in the alien ICE has in custody. This list of countries has been in existence for at least seven years; countries may have been included on the list because of the backgrounds of arrestees, not because of the country's government itself. The United States maintains close intelligence-sharing relationships with many of these countries in order to address security issues within their own borders and in our mutual pursuit of safety and security around the globe."

Porti-  
on  
for  
ICE  
review

Barbara Gonzalez  
Press Secretary  
U.S. Immigration and Customs Enforcement (ICE)  
202- (office)  
305- (b)(6), (b)(7)(c) ICE (cell)

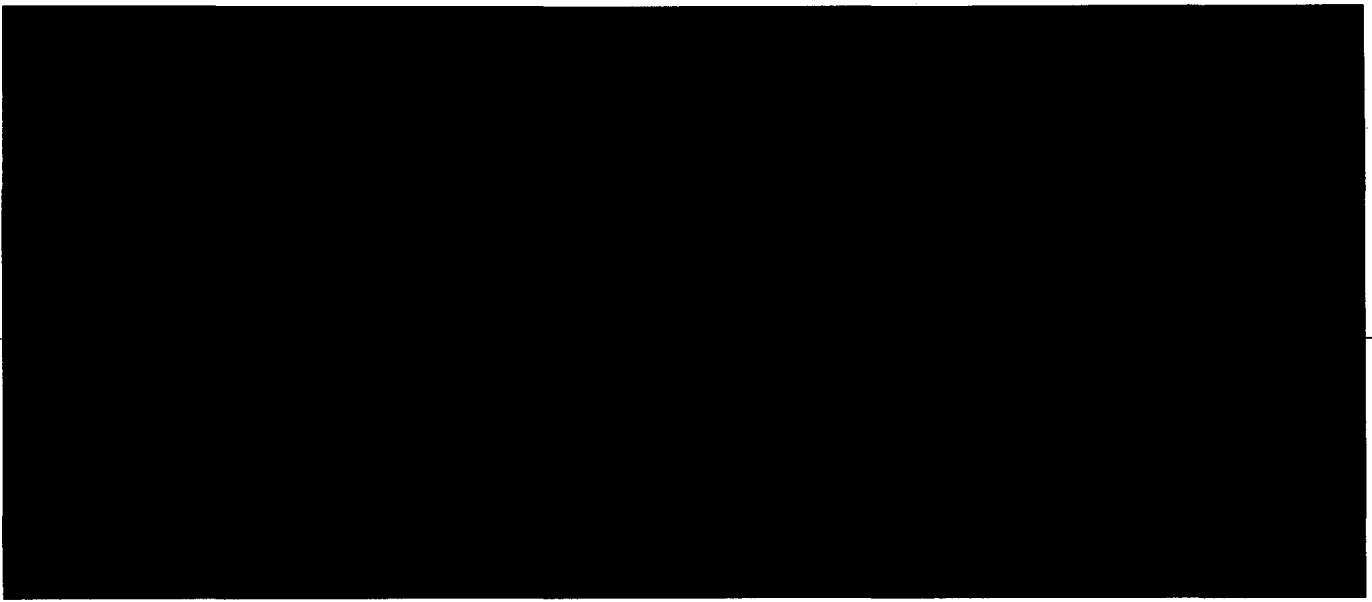
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**From:** Reback, Richard  
**Sent:** Tuesday, July 05, 2011 10:57 AM  
**To:** Metelko, Marty  
**Subject:** FW: On being a "former".....

Purs  
DU



DUPLICATE OF EMAIL 20



Thind, Aneet

**From:** [REDACTED] b6  
**Sent:** Wednesday, July 06, 2011 12:50 PM  
**To:** Richards, Anne  
**Subject:** RE: On being a "former".....

Here is a brochure put together by AIPAC on US-Israeli Homeland Security Cooperation...

[http://www.aipac.org/Why%20Israel/~media/Publications-old/Migrated%20Documents/Homeland\\_Security.pdf](http://www.aipac.org/Why%20Israel/~media/Publications-old/Migrated%20Documents/Homeland_Security.pdf)

**From:** Richards, Anne  
**Sent:** Wednesday, July 06, 2011 12:42 PM  
**To:** Metelko, Marty; Reback, Richard; Edwards, Charles  
**Cc:** [REDACTED] Bell, Mark; Butler, Jewel; Snow, Holly; Pettersen, Sean; [REDACTED]  
**Subject:** RE: On being a "former".....

b5,  
b6

I would suggest that if we get any questions we need to [REDACTED]  
[REDACTED] the list provide to us by ICE [REDACTED]  
[REDACTED] We should also [REDACTED]

Thanks  
Anne

**From:** Metelko, Marty  
**Sent:** Wednesday, July 06, 2011 12:22 PM  
**To:** Reback, Richard; Edwards, Charles  
**Cc:** Richards, Anne; [REDACTED] b6  
**Subject:** RE: On being a "former".....  
**Importance:** High

ICE's Press Secretary just sent me the following:

Portion  
for  
ICE  
review

Here is an updated statement based on new information we received.

"The addition of Israel in the OIG's list of ICE's "Third-Agency Checks" (TAC) was based on inaccurate information provided to the OIG during the course of its audit. The U.S. does not and never has considered Israel to have links to terrorism, but rather they are a partner in our efforts to combat global terrorism. The United States maintains close intelligence-sharing relationships with Israel in order to address security issues within its own borders and in our mutual pursuit of safety and security around the globe"

Barbara Gonzalez  
Press Secretary

U.S. Immigration and Customs Enforcement (ICE)


202- (b)(6) (b)(7)(c) ICE (office)

305- (b)(6) (b)(7)(c) ICE (cell)

Portion for  
ICE  
review

Not sure [REDACTED] but not sure we have any recourse.-Marty b5

DUPLICATE OF EMAIL 20



**Snow, Holly**

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**From:** Snow, Holly  
**Sent:** Friday, July 01, 2011 2:56 PM  
**To:** Bell, Mark  
**Subject:** FW: Did we specifically get [REDACTED]?  
**Attachments:** TAC Procedure Memo.pdf

---

FYI-this is the first email I sent Anne....

**From:** Snow, Holly  
**Sent:** Friday, July 01, 2011 2:35 PM  
**To:** Richards, Anne  
**Subject:** RE: Did we specifically get [REDACTED]?

[REDACTED] described in the attached ICE procedure memorandum from Acting Director Victor Cerda (D.12.7 in TeamMate).

Holly Snow

Program Analyst  
DHS-OIG Office of Audits  
Denver Field Office  
(303) [REDACTED] (bb)  
(303) [REDACTED] (office)

b5,  
b6

**From:** Richards, Anne  
**Sent:** Friday, July 01, 2011 2:23 PM  
**To:** Bell, Mark; Snow, Holly  
**Subject:** FW: Did we specifically get [REDACTED]?

The question wasn't just about [REDACTED]

**From:** Richards, Anne  
**Sent:** Friday, July 01, 2011 4:16 PM  
**To:** Snow, Holly  
**Subject:** Did we specifically get [REDACTED]?

# Memo for ICE Review

Office of Detention and Removal Operations  
U.S. Department of Homeland Security  
425 I Street, NW  
Washington, DC 20536



## U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: Deputy Assistant Directors  
All Field Office Directors

FROM: Victor X. Cerda *for*  
Acting Director

SUBJECT: Improvements in Third Agency Check Procedures

### Purpose

The purpose of this memorandum is to reiterate Third Agency Check (TAC) Procedures and to inform the field of improvements in Headquarters TAC response procedures.

### Background

The events of September 11, 2001 led the United States Government to identify certain countries that have shown a tendency to promote, produce or protect terrorist organizations and/or their members. These events provided the impetus for the *Designation of National Security Matters* Memorandum of December 18, 2002.

On October 3, 2003, Chapter 19, Section 33 (attached) was added to the Detention and Deportation Officer's Field Manual (DDFM) and reflects the requirement to conduct TACs for nationals of Specially Designated Countries. The list of designated countries is contained in Appendix 19-16 of the DDFM entitled Specifically Designated Countries (SDC).

*Guidance on New Procedures for Conducting Third Agency Checks* (attached) was forwarded to the field on March 24, 2004. The new procedures for conducting the TAC was implemented in an effort to streamline the TAC process, reduce duplication, and increase response time.

### Discussion

Recently, HQDRO noted delays in TAC response time by HQINT. HQDRO and HQINT have been working diligently to address this problem and have agreed on a plan to remedy this situation. HQDRO anticipates a marked improvement in TAC response time by October 11, 2004. Note that



Subject: Improvements in Third Agency Check Procedures  
Page 2

although TACs may require ten to fifteen working days for completion, most are resolved in four to seven days.

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The improved Headquarters procedures will not resolve TAC response delays resulting from submissions in the wrong format or submissions when removal or release is imminent. Field Office Directors are reminded that TAC requests must be submitted at the time the alien is taken into custody, not upon release or removal. Furthermore, Field Office Directors are instructed to submit TACs in the approved electronic format distributed in conjunction with this memorandum.

HQDRO will continue to monitor the TAC procedures and response time. Should you have any questions regarding TACs, please direct them to (b)(6), (b)(7)(c) ICE HQDRO Intelligence Unit.

Attachment

**Snow, Holly**

**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 2:45 PM  
**To:** Snow, Holly  
**Subject:** RE: OIG-11-81 Third Agency Checks

Personally, I think [REDACTED] But, what do I know.  
Again  
Thanks for your help.

b5

**From:** Snow, Holly  
**Sent:** Thursday, July 07, 2011 4:46 PM  
**To:** Richards, Anne  
**Subject:** RE: OIG-11-81 Third Agency Checks

You're right, that is probably [REDACTED] I am surprised that [REDACTED]

**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 2:24 PM  
**To:** Snow, Holly  
**Cc:** Pettersen, Sean; Butler, Jewel  
**Subject:** RE: OIG-11-81 Third Agency Checks

Holly

The memo you sent us on Friday was dated October 8, 2003 and it contained "effective immediately" language in it. So that would support the interview, but it doesn't prove a start date.

Portion  
for  
ICE  
review

Thanks for your help  
Anne

**From:** Snow, Holly  
**Sent:** Thursday, July 07, 2011 4:25 PM  
**To:** Richards, Anne  
**Cc:** Pettersen, Sean; Butler, Jewel  
**Subject:** RE: OIG-11-81 Third Agency Checks

Anne,

Unfortunately, I cannot say for certain when the TAC screenings began. We obtained 2 policy memos. One of the policy memorandums, issued by the acting director is titled "Improvements in Third Agency Check Procedures," but it is not dated. Another memo from the Director of the Detention and Removal Office, titled "New Procedures for Conducting Third Agency Checks" is dated March 24, 2004.

Portion  
for  
ICE  
review

In an interview, ICE told us that the undated policy went into effect on 10/03/03.

**Holly Snow**

Program Analyst  
DHS-OIG Office of Audits  
Denver Field Office

(303) [REDACTED] (bb)  
(303) [REDACTED] (office)

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**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 1:55 PM  
**To:** Snow, Holly; Pettersen, Sean  
**Cc:** Butler, Jewel  
**Subject:** FW: OIG-11-81 Third Agency Checks  
**Importance:** High

Do we know when [REDACTED]? See email below.  
Thanks  
Anne

---

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 3:46 PM  
**To:** Richards, Anne  
**Subject:** FW: OIG-11-81 Third Agency Checks  
**Importance:** High

Anne,

Will you please help me answer below? See highlighted section:

My boss wanted to know [REDACTED] In other words, [REDACTED]  
[REDACTED]? For some reason, [REDACTED]  
THANK YOU.

---

**From:** Kaguyutan, Janice [mailto:[REDACTED]]  
**Sent:** Thursday, July 07, 2011 3:33 PM  
**To:** [REDACTED]  
**Subject:** RE: OIG-11-81 Third Agency Checks

Let me clarify. I just heard back from [REDACTED]  
[REDACTED] But, [REDACTED] Thanks for the info!

---

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Thursday, July 07, 2011 3:29 PM  
**To:** Kaguyutan, Janice  
**Subject:** RE: OIG-11-81 Third Agency Checks

Got it. Let me see what I can find out for you. Will be in touch.

---

**From:** Kaguyutan, Janice [mailto:[REDACTED]]  
**Sent:** Thursday, July 07, 2011 3:29 PM  
**To:** [REDACTED]  
**Subject:** OIG-11-81 Third Agency Checks

Hi [REDACTED] -- Thanks for taking my call. My boss wanted to know [REDACTED]  
In other words, [REDACTED]? For some reason, [REDACTED] Thanks for any  
info!

Janice

b5,  
b6

---

Janice V. Kaguyutan  
Deputy Chief Counsel  
Democratic Staff  
Howard L. Berman, Ranking Member  
House Committee on Foreign Affairs  
(202) 226-8467

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Thind, Aneet

---

**From:** [REDACTED] b6  
**Sent:** Thursday, July 07, 2011 3:55 PM  
**To:** Richards, Anne  
**Subject:** RE: OIG-11-81 Third Agency Checks

THANKS. Let me know either way please.

**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 3:53 PM  
**To:** [REDACTED]  
**Subject:** RE: OIG-11-81 Third Agency Checks

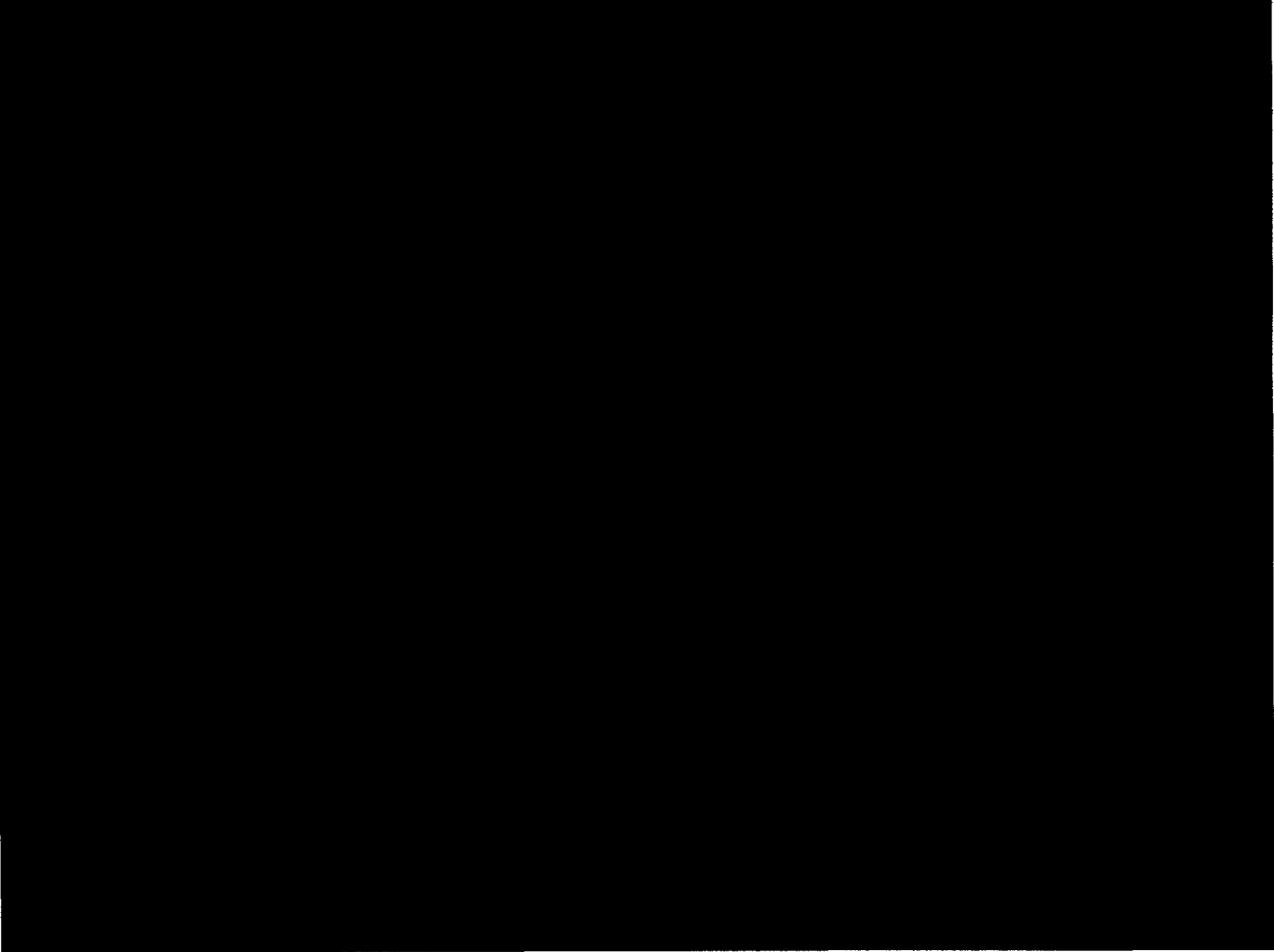
B6

I just sent you the memo dated Oct 8, 2003 that is the earliest description I have. I will forward the request to the team to see if there is anything earlier.

Thanks  
Anne

For  
ICE  
Review

DUPLICATE OF EMAIL 39



DUPLICATE OF EMAIL 39



Thind, Aneet

---

**From:** [REDACTED]  
**Sent:** Thursday, July 07, 2011 4:50 PM  
**To:** Edwards, Charles  
**Cc:** Manino, Yvonne  
**Subject:** FW: OIG-11-81 Third Agency Checks  
**Attachments:** TAC.pdf

Charles, below is Anne's response. Also, please see attached. Please let me know how you would like to proceed.

Thx,  
[REDACTED]

b6

**From:** Richards, Anne  
**Sent:** Thursday, July 07, 2011 4:29 PM  
**To:** [REDACTED]  
**Subject:** FW: OIG-11-81 Third Agency Checks

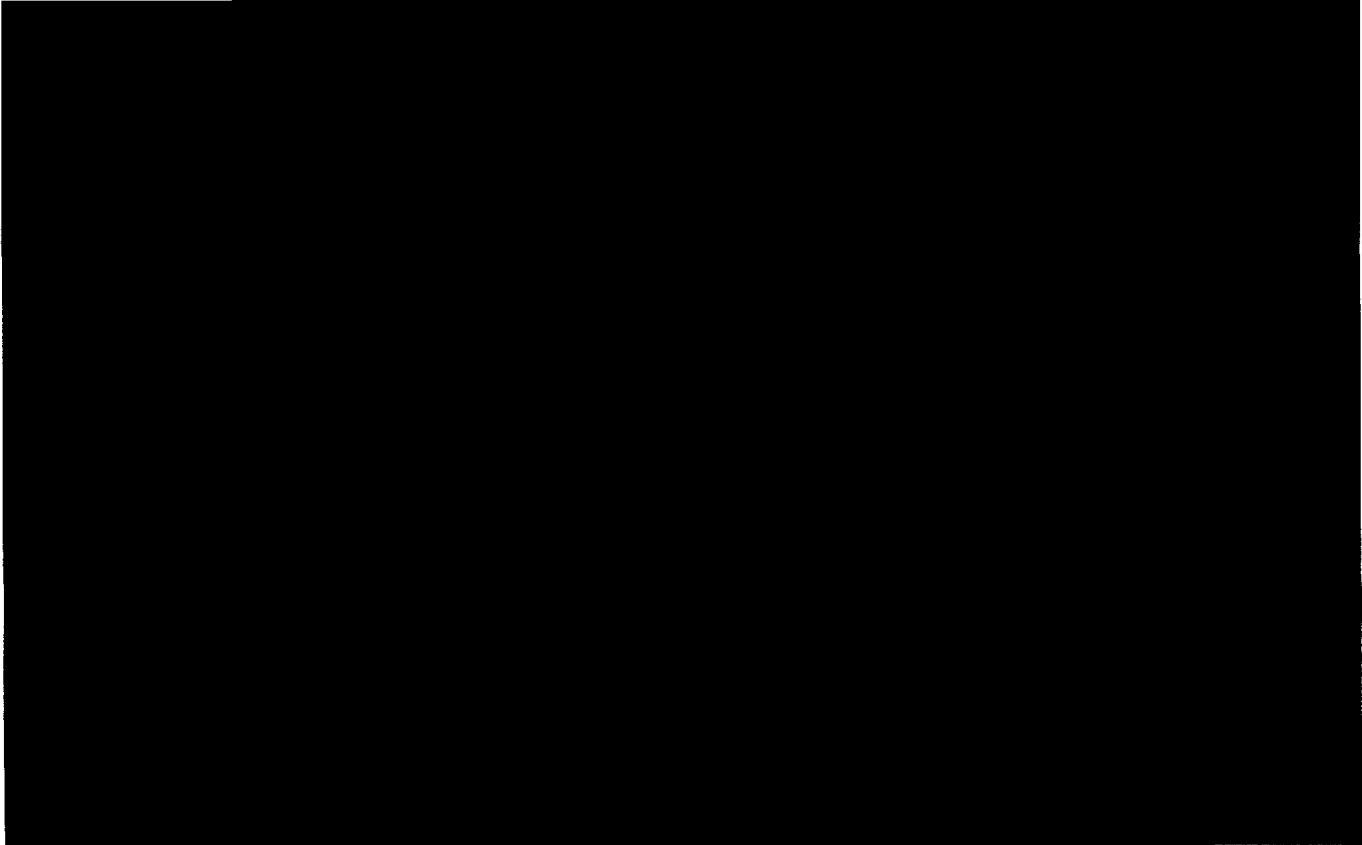
[REDACTED] b6

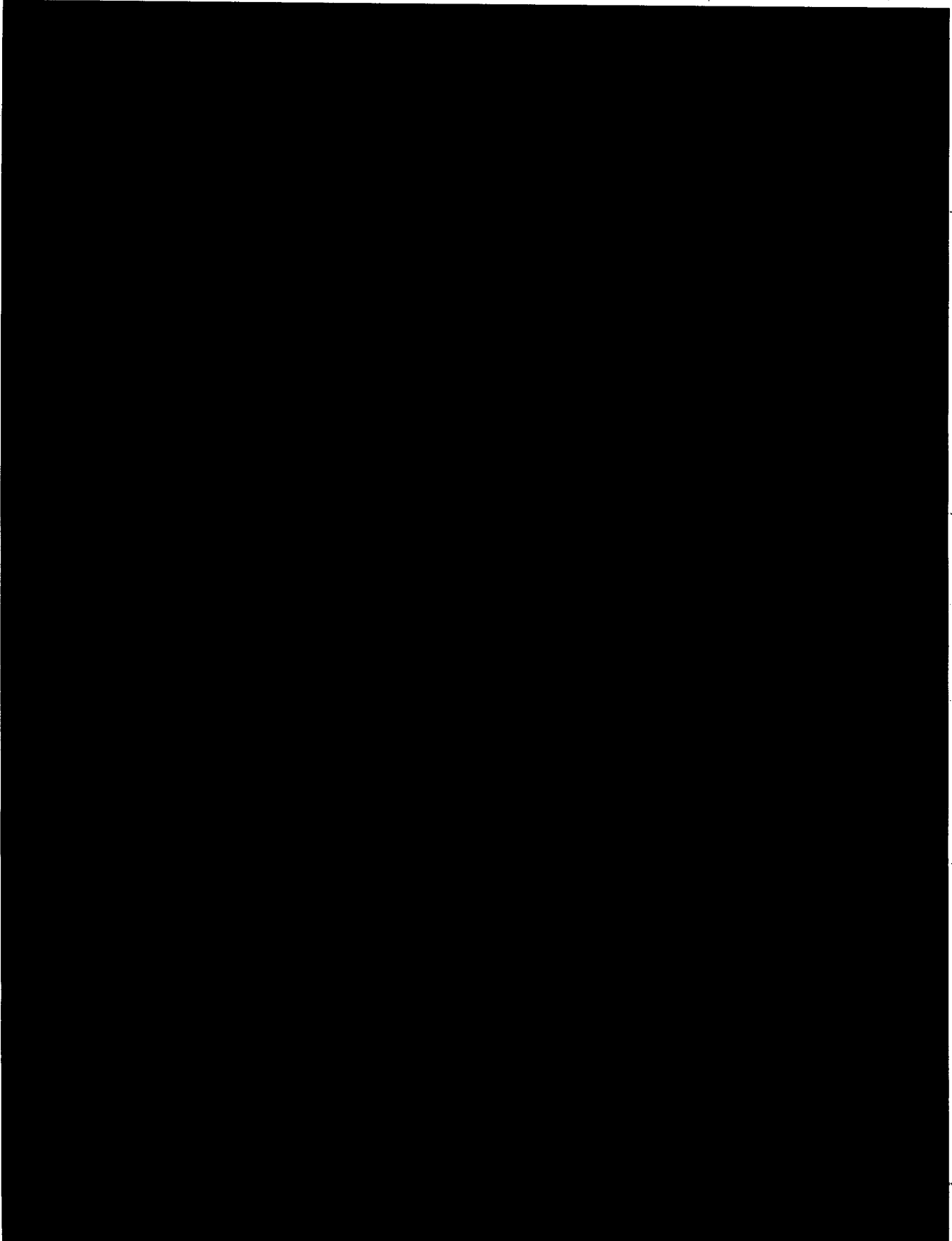
We can't determine when it started. As I have already sent you, we have the memo from October 2003. We also have an interview memo that indicates it started in October 2003. But other documents are undated or labeled in an unclear manner.

For  
ICE  
review

Thanks  
Anne

DUPLICATE OF EMAIL 39







DUPLICATE OF EMAIL 39



# Refer to ICE



## U.S. Immigration and Customs Enforcement

HQDRO 50/12.8

Office of the Director

801 I Street NW  
Washington, DC 20536

October 8, 2003

MEMORANDUM  
FOR:

Deputy Assistant Directors  
Field Office Directors

FROM:

Anthony S. Tangeman  
Director  
Office of Detention and Removal

A handwritten signature in black ink, appearing to read "A. Tangeman".

SUBJECT:

Addition of Chapter 19, Section 33 (Third Agency Checks for all Specially Designated Countries) to the Detention and Deportation Officer's Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 33, Chapter 19. Accordingly, the DDFM is changed as follows:

### **19.33 Third Agency Checks for all Specially Designated Countries**

#### **I. Discussion**

The events of September 11, 2001 have led the United States Government to identify certain countries that have shown a tendency to promote, produce or protect terrorist organizations and/or their members. That list of designated countries is contained in Appendix 19-16 entitled *Specially Designated Countries* (SDC). It is imperative that all officers consult the list to determine if an alien's country of citizenship or nationality is listed.

#### **II. Policy**

Effectively immediately, any alien from a SDC who is apprehended or detained by the Bureau of Immigration and Customs Enforcement (ICE), Detention and Removal Operations (DRO) must be cleared by the Custody Review Unit (CRU) prior to release. The detaining office will send a message to the CRU of the Headquarters, Fugitive Operations Branch (HQFOB) via cc: Mail to: (b)(7)e ICE Prior to transfer to another agency, release to the streets or removal from the United States, the alien must

be cleared for such transfer or release by the CRU. The CRU shall determine if the alien is a *National Security or Third Agency Interest* (TAI) person.

### III. Procedure

#### CRU Initial and Subsequent Notification

The subject line of all cc: Mail messages shall read: "*Third Agency Check AXX XXX XXX*". The initial report shall include the alien's name, alien registration number (A-file number), date of birth (DOB), place of birth (POB), criminal convictions or pending criminal charges, removal charge(s), and a brief description of the circumstances of the alien's apprehension. It will take approximately three weeks for all third agency checks to be completed. Subsequent messages from the detaining office shall contain the same subject line but will include a sequence number after the alien registration number (AXX XXX XXX-XX).

#### Custody Issues

The fact that the alien is a SDC subject and pending clearance by the CRU must be immediately communicated to the local Office of Legal Advisor (OLA). CRU shall notify Headquarters, OLA so they can be prepared to provide advice or direction to the local OLA. The alien's SDC status must be taken into consideration should the alien file a motion for a custody redetermination hearing before the Executive Office for Immigration Review. The fact that the alien is a SDC subject does not automatically mean that OLA will appeal an adverse custody redetermination.

Once CRU clearance is obtained, local OLA must be notified. They will then notify the Immigration Judge (IJ). However, if the IJ makes an adverse custody determination that is not appealed by OLA, the alien must be released. The CRU shall be advised of that fact immediately by telephone (202- (b)(7)(e) ICE) and followed up by a cc: Mail message with a summary of the IJ's decision. The Deportable Alien Control System (DACS) will also be updated immediately particularly the (b)(7)(e) ICE screens.

If the alien is not cleared and designated a TAI subject, local OLA shall be notified immediately. Again OLA will communicate that information to the IJ as soon as possible.

#### Administrative Final Orders

SDC subjects who have a final administrative removal order are subject to Post Order Custody Review (POCR) Procedures. If the SDC subject has not been designated a TAI case then, not later than 30-days prior to the SDC reaching the 90-day post-order mark, the detaining office shall forward all biographic information listed above to the CRU via cc: Mail. If a SDC subject has already been designated as a TAI subject, the detaining office shall (via cc: Mail) notify the CRU that the subject is approaching the

90-day post-order mark. In no case shall a Field Office Director release a SDC/TAI final order subject without clearance from the CRU.

### **Preparation for the Removal of TAI Cases**

It currently takes approximately three weeks for CRU to issue a clearance for execution of removal orders. Detaining offices are advised that CRU clearance messages should be sent a minimum of four weeks in advance of a projected removal date. This will help allow for possible delays in obtaining travel documents or making adjustments to the travel itinerary. Individual clearance must be obtained for each SDC/TAI subject who is part of Special Removal/Charter Flight Missions. A copy of the release authorization shall be attached to the Warrant of Removal/Deportation (I-205) as part of the *Travel Document Packet*.

Questions regarding this chapter shall be directed to the Chief, Fugitive Operations Branch or via cc: Mail to the CRU address.

Cc: Director, Office of Investigations  
Director, Office of Intelligence