

WORKING P A P E R

Identifying Deportable Aliens in the Los Angeles County Jail

Implementing the HI-CAAP Federal-Local Partnership

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INFRASTRUCTURE, SAFETY, AND ENVIRONMENT

EXECUTIVE SUMMARY

Throughout the 1990s, Los Angeles County officials grew increasingly concerned about the negative impact of criminally involved deportable aliens on local public safety and local criminal justice resources. In order to quantify the problem, the Los Angeles Countywide Criminal Justice Coordinating Committee (CCJCC) conducted a series of studies focused on identifying and describing the characteristics of deportable aliens released from the county jail over a one-month period in both 1990 and 1995. The studies showed that deportable aliens made up 11 percent (1,933) of the 1990 release cohort and 17 percent (2,416) of the 1995 release cohort. At the conclusion of a one-year post-release follow-up period, about 40 percent of the deportable aliens in both the 1990 and the 1995 release cohorts had been rearrested, with many experiencing multiple arrests (CCJCC, 1990; 1997). These findings supported conclusions that deportable aliens involved in criminal activity posed a substantial public safety problem and drain on criminal justice resources in Los Angeles (L.A.) County. Of particular concern was that subgroup of criminal aliens who had been previously deported from the United States and later rearrested for new criminal activity in L.A. County.

In response, the County began to pursue policy and program changes intended to increase the identification, federal prosecution, and removal of previously deported criminal aliens. A multi-agency, interjurisdictional task force was formed and the developing partnership received a grant from the U.S. Department of Justice Office of Community Oriented Policing Services to fund technological improvements that would allow better identification of all criminal aliens and specifically those who had been previously deported. This effort was called the High Intensity Criminal Alien Apprehension and Prosecution (HI-CAAP) partnership. The HI-CAAP partnership does not address illegal aliens living in Los Angeles generally. Its focus is on previously deported aliens who return to the country and are involved in criminal activity in Los Angeles County.

The purpose of this report is to provide some feedback about progress on implementing the goals of the HI-CAAP partnership and to point out areas that may need further attention. This assessment is not an outcome evaluation. That is, it does not address the effectiveness of the HI-CAAP activities in reducing the return of previously deported criminal aliens to L.A. County or whether crime in the County by criminal aliens has been reduced. Instead, it is a first step in understanding how the partnership's planned activities have been put into place.

The methodology consisted of three primary activities:

- 1) a series of individual interviews with members of the HI-CAAP steering committee (conducted between August 2003 and February 2004);
- 2) a document review of materials generated by and/or pertinent to the HI-CAAP steering committee about planned activities and their implementation; and
- 3) attendance and observation over a two-year period at HI-CAAP steering committee meetings (from May 2002 to March 2004).

From these activities, we organized our observations according to information on each of the two key implementation goals of the HI-CAAP partnership: 1) increasing the identification of previously deported criminal aliens and 2) increasing the rate at which these aliens face federal prosecution for illegal reentry. We then summarized the observations to reveal general themes (such as impressions of the process) and details on program components (such as technology installation progress).

The implementation goals of the HI-CAAP partnership are to increase the identification of previously deported criminal aliens and to increase federal prosecution of these individuals. Interview respondents clearly indicated that considerable progress toward the first goal has been made. They reported achievements including increased ability to make a fingerprint-based identification of previously deported criminal aliens; improved working relationships with the Law Enforcement Support Center (LESC), and the important progress toward implementation of an automated immigration detainer process.

Outstanding issues related to the identification of previously deported criminal aliens are:

- Determining the reasons why Bureau of Immigration and Customs Enforcement (ICE) agents are inconsistently using LiveScan equipment and to identifying strategies for increasing LiveScan processing of individuals taken into ICE custody.
- Resolving the contractual and other issues stalling integration of the HI-CAAP Automated Fingerprint Identification System (AFIS).
- Resolving the labor union concerns about federal background investigations related to the “deputization” of jail staff by ICE to conduct immigration interviews.
- Continuing to work with Law Enforcement Support Center (LESC) to establish the automated detainer process for non-self declared aliens.

Our interviewees also reported progress toward the goal of increased federal prosecution of HI-CAAP aliens. Despite no increase in resources, the United States Attorney Office (USAO) has been actively seeking methods, such as the adoption of the Fast Track program, to increase the number of federal prosecutions of criminal aliens. Outstanding issues are:

- Identification of additional resources for the USAO to support federal prosecution of HI-CAAP aliens.
- Clarification of HI-CAAP partnership goal of cost savings versus policies of pursuing local prosecution before transferring HI-CAAP aliens to federal authorities.
- Development of a clearer understanding among the HI-CAAP partners of policy and practice regarding voluntary departures versus formal deportation proceedings for aliens with criminal records who have not been previously deported. The ICE partner office should consider regularly providing L. A. County-specific descriptive data on the numbers and characteristics of voluntary departures and formal deportations.

- Greater communication is needed about the content and application of the federal prosecution guidelines.
- Regular reporting to the HI-CAAP partners of data on the number of cases referred for federal prosecution, the number and type of prosecutions, reasons for rejection, and case outcomes.

From our interviews and observations, it is clear that implementation of the HI-CAAP partnership is still ongoing. Progress on implementation should continue to be monitored. Critical to such efforts is the independent collection and analysis of data relating to the status implementation. Two other recommendations for consideration by the HI-CAAP partners are of a general nature. They relate to addressing high staff turnover and building a capacity for central data collection.

Finally, the issues raised in this review may serve as informative background for other jurisdictions that are seeking to form interjurisdictional partnerships to address criminal aliens. The L.A. County experience illustrates that such efforts require the long-term commitments of all key agencies; creative solutions to resource, bureaucratic, and jurisdictional barriers; openness to scrutiny and constructive criticism by partner agencies; and proactive communication with federal authorities about local needs. While these partnerships are not easily developed or maintained, they may hold great promise for addressing the multijurisdictional problem of previously deported criminal aliens.