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of the

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The results from the most recent morale survey for Federal agencies were released in December 2012. ICE dropped in the rankings to 279 out of 291 Federal agencies surveyed leaving only 12 agencies that ranked lower in employee morale and job satisfaction than ICE. By comparison, the U.S. Marshals Service was ranked 82 in the survey, and the FBI ranked 107. The ICE employee morale survey included ICE managers as well as officers, agents and administrative personnel.

As agency morale falls each year, each year ICE leadership finds new excuses to justify the low morale, never taking responsibility and never making reasonable efforts to identify and address causative issues. This, even after the tragic shooting in a Los Angeles ICE office last year, in which an ICE Agent shot his own supervisor and was himself shot and killed by another ICE employee.

To prevent incidents like the one in Los Angeles, ICE must begin efforts to address problems within the agency. While both internal and external factors contribute to the morale problems within ICE, proper leadership from ICE headquarters could make sweeping and effective changes throughout the agency. It is the responsibility of ICE leadership to maintain the highest possible morale within the agency regardless of the situation and regardless of the factors involved; whether it is addressing gross mismanagement and overall corruption within the agency, or addressing the impact of internal or external politics.

While ICE employees are frequently demonized by special interest groups and media outlets, it should be known that many ICE employees are themselves the sons and daughters of immigrants, or grandsons and granddaughters of immigrants; or are married to immigrants, or are the proud parents of adopted babies born outside the U.S. For many of our officers and agents, English was not their first language, or they grew up in a bilingual household. ICE employees represent the full spectrum of races and religions that make up our great country. They are moms and dads, public servants, and many are veterans of the United States Armed Forces. ICE agents are not monsters as some would portray them.

However, ICE agents do believe in law enforcement and the rule of law. Most Americans going about their daily lives believe that ICE agents and officers are permitted to enforce the laws of the United States. However, ICE agents and officers would tell America a much different story.

The day-to-day duties of ICE agents and officers often seem in conflict with the law as ICE officers are prohibited from enforcing many laws enacted by Congress; laws they took an oath to enforce. ICE is now guided in large part by the influences of powerful special interest groups that advocate on behalf of illegal aliens. These influences have in large part eroded the order, stability and effectiveness of the agency, creating confusion among all ICE employees. For the last four years it has been a roller coaster for ICE officers with regard to who they can or cannot arrest, and which Federal laws they will be permitted to enforce. Most of these directives restricting enforcement are given only verbally to prevent written evidence from reaching the public.

Most Americans would be surprised to know that immigration agents are regularly prohibited from enforcing the two most fundamental sections of United States immigration law. According to ICE policy, in most cases immigration agents can no longer arrest persons solely for entering the United States illegally. Additionally, in most cases immigration agents cannot arrest persons solely because they have entered the United States with a visa and then overstayed that visa and failed to return to their country. Essentially, only individuals charged or convicted of very serious criminal offenses by other law enforcement agencies may be arrested or charged by ICE agents and officers for illegal entry or overstay.

In fact, under current policy individuals illegally in the United States must now be convicted of three or more criminal misdemeanors before ICE agents are permitted to charge or arrest the illegal alien for illegal entry or overstaying a visa, unless the misdemeanors involve the most serious types of offenses such as assault, sexual abuse or drug trafficking. With regard to traffic violations, other than

DUI and fleeing the scene of an accident, ICE agents are also prohibited from making an immigration arrest of illegal aliens who have multiple convictions for traffic related misdemeanors.

Thus far, ICE's new arrest methodology of prohibiting the arrest of illegal aliens convicted of certain unspecified misdemeanors has simply created more confusion among those tasked with enforcing immigration law. During conversations with ICE officers, agents and prosecuting attorneys, none were able to identify the criminal misdemeanor offenses that ICE leadership has identified as "insignificant." Important to note, no training or list of "insignificant" misdemeanor offenses was ever provided to ICE employees.

DACA, or Deferred Action for Childhood Arrivals, which prevents the deportation of many aliens brought to the U.S. as children, is for the most part applied by ICE immigration agents to adults held in state correctional facilities and jails pending criminal charges. News has spread quickly through illegal alien populations within jails and communities that immigration agents have been instructed by the agency not to investigate illegal aliens who claim protections from immigration arrest under DACA. ICE immigration agents have been instructed to accept the illegal alien's claim as to whether he or she graduated or is attending high school or college or otherwise qualifies under DACA. Illegal aliens are not required to provide officers with any type of proof such as a diploma or transcripts to prove that they qualify before being released. Even though the immigration officer generally has no proof that the alien qualifies under DACA, officers may not arrest these aliens unless a qualifying criminal conviction or other disqualifier exists. As one immigration agent stated last week, "every person we encounter in the jails now claims to qualify for release under DACA."

With all of the restrictions placed on ICE immigration agents in enforcing U.S. immigration laws, it is also important to understand the broader law enforcement practices of the Agency and the associated impact on immigration enforcement. With approximately 20,000 employees at ICE,

approximately 5,000 officers and agents handle the majority of immigration work within the agency, to include the arrests, case processing, detention, and removal of approximately 400,000 aliens each year. Within this group of 5,000 officers, two separate officer positions exist. While all officers have exactly the same training, the two officer positions have different arrest authorities, one position with a more limited arrest authority than the other. For obvious reasons, this antiquated separation of arrest authorities among officers is unnecessary, especially as no additional training is necessary, and clearly prevents the best use of the limited resources available for immigration enforcement. Requests for ICE Director John Morton to issue a memorandum providing full arrest authority to all officers as a force multiplier within the agency have been refused by the Director without explanation. As the Administration states publicly that it is pushing for stronger enforcement and optimal utilization of limited enforcement resources, these actions appear to indicate otherwise.

Also important to understand, pressures from special interest groups have resulted in the majority of ICE agents and officers being prohibited from making street arrests. Most officers are only allowed to work inside of jails hidden from public view, and may only arrest certain individuals who have already been arrested by police departments and other Federal agencies. As a general rule, if ICE agents or officers are on duty in a public place and witness a violation of immigration law, they are prohibited from making arrests and from asking questions under threat of disciplinary action.

Several hundred officers and agents assigned to special teams across the nation do have a limited ability on a day-to-day basis to make public arrests outside of jails. For the most part, these officers and agents are restricted to arresting specific targets only after each case goes through a lengthy authorization process that must eventually be approved by a supervisor in writing.

As stated previously, new ICE arrest policies clearly appear to conflict with not only the law but also with the legal training provided new officers and agents in the academy and on the job at their

offices in the field. Years of training and experience are not easily undone, especially as ICE refuses to provide training to officers regarding its new enforcement policies. As a result, officers are confused and unsure about the new policies, and often find themselves facing disciplinary action for following the law and their academy training instead of the confusing and highly misunderstood and ever changing new policies.

In Salt Lake City, Utah, three ICE agents witnessed an individual admit in open court to a Federal Immigration Judge that he was in the United States illegally. ICE agents waited until the alien left the hearing and then politely asked him to accompany them, never using handcuffs in the course of the arrest. An immigration attorney and activist called the ICE Field Office Director in Salt Lake City verbally complaining that ICE officers had arrested an illegal alien. The ICE Field Office Director responded by ordering that all charges against the illegal alien be dropped and that the alien be released immediately. While the ICE Director ordered the immigration violator be set free, the Director also ordered that all three ICE agents be placed under investigation for no other reason than arresting an illegal alien.

In Dover, Delaware, ICE agents conducted surveillance of a vehicle registered to an ICE criminal fugitive. When a man attempted to enter the vehicle and depart, ICE agents discovered that while not their arrest target, the man was an illegal alien with multiple convictions for driving without a license. Still without a license and attempting to drive, ICE agents considered the man a threat to public safety and arrested him. ICE supervisors ordered that the illegal alien be released without charges. When one agent attempted to bring immigration charges against the alien as the law and his oath requires, the agent's managers released the illegal alien and instead brought formal charges against the agent proposing the agent be suspended for 3 days. If the suspension was sustained, a second "offense" by the agent would likely result in the agent losing his job. The officer has been an immigration agent for 18 years and is a 5 year military veteran.

In El Paso, TX, ICE agents arrested an illegal alien at a local jail who was arrested by sheriff's deputies earlier that same morning and charged with assault causing bodily injury to a family member and interfering with a person attempting to make an emergency phone call for assistance. When ICE agents attempted to transport the 245 lbs subject he resisted and attempted escape, injuring one agent before being taken back into custody. When agents returned to their office in El Paso they were ordered by ICE managers to release the alien as a "Dreamer." ICE managers did not question the criminal alien and conducted no investigation to ensure that charges for assaulting an officer were not warranted. Instead ICE managers ordered that the illegal alien immediately be released without investigation in accordance with the President's new immigration policies, reportedly stating to employees that "ICE's mission now is to identify aliens and release them."

With regard to assaults in general, assaults against ICE officers and agents continue to rise as ICE arrestees become increasing more violent and criminal in nature. Of the approximately 400,000 aliens removed by ICE each year, over 90% come from jails and prisons according to agency officials at ICE Headquarters. However, unlike almost every state and Federal law enforcement agency in the nation, ICE agents and officers are prohibited from carrying life saving protective equipment such as tasers. ICE will not approve this equipment for its agents and officers for political reasons. Death or serious injury to ICE officers and agents appears more acceptable to ICE, DHS and Administration leadership, than the public complaints that would be lodged by special interest groups representing illegal aliens. While unthinkable for most American's that the Federal government would approve the use of tasers on criminals who are U.S citizens, but deny tasers to law enforcement officers who arrest criminal aliens, it appears to be the case. As we have reported in the past, ICE, DHS and the Administration work exclusively with special interest groups to establish security and arrest protocols throughout the agency while excluding input from employees and operational managers in the field. As a result, many special

considerations exist exclusively for criminal aliens in ICE custody compromising operations and costing the agency millions each year.

In closing, while deeply concerned by the actions of our agency, as well as the current state and future of immigration enforcement, we are optimistic and confident that all of these matters can be successfully resolved with the assistance of members of Congress. Please do not hesitate to contact us at any time with any request as we are always ready and willing to assist you.