



**Locals 1210 and 1944  
of the  
National Immigration and Customs  
Enforcement Council  
American Federation of Government Employees**



March 11, 2019

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

As active duty U.S. Immigration and Customs Enforcement (ICE) Officers serving on the southern border of the United States in the state of Texas, we write to you on behalf of our fellow ICE Officers serving in the field.

We regretfully write to inform you that in the midst of an immigration crisis on the southern border, your Administration is squandering scarce ICE resources and playing political games with our officers, their mission, and the safety of the American public. On January 6, 2019, National ICE Council President Chris Crane personally alerted you to this situation and requested your assistance. To date, no assistance has been provided by your Administration.

You frequently speak publicly of the great public safety work ICE is doing under your leadership. To be direct Mr. President – the rhetoric doesn't match reality and we hope that this letter shows you the complete and total nonsense that is really taking place under the Trump Administration on the southern border.

As you know, every day thousands of illegal aliens are being released into the United States by your Administration. "Catch and Release" is not just happening, it's in overdrive. Catch and release must continue as ICE doesn't have sufficient custody space to hold the massive number of family units illegally entering the United States every day. DHS resources on the border are overwhelmed. Political games in Washington, DC have rendered the United States completely incapable of controlling its southern border. While agencies like ICE and Customs and Border Protection (CBP) cannot control the agendas of political leaders, they have a responsibility to properly manage our resources, under the hand we've been dealt, in a manner that best provides for enforcement generally, and first and foremost public safety. That isn't happening.

Under the current circumstances, CBP Officers and Border Patrol Agents must apprehend hundreds to thousands of immigration violators each day, and process the cases of those they apprehend, to include issuing notices requiring an appearance before an immigration judge. Again, as there is no custody space, the hundreds to thousands apprehended each day by CBP



must be released to charitable organizations that facilitate their travel to locations throughout the U.S. In a nutshell, this is 'Catch and Release.' And this is where the utter nonsense begins.

CBP, with the support of DHS and ICE leadership, has determined that it will not release the thousands of immigration violators it is arresting every day on the southern border, even though all understand custody space does not exist and the detainees will be released by someone within DHS. CBP, with the support of DHS and ICE leadership, has tasked ICE Officers with releasing all immigration violators arrested by Border Patrol Agents and CBP Officers.

In short, CBP refuses to permit their arresting officers (Border Patrol Agents and CBP Officers) to: 1) serve immigration violators with release paperwork and 2) open doors on vehicles transporting immigration violators for release.

### **The Impact to Border Security, Public Safety and ICE Operations**

This seemingly benign policy matter is in actuality the proverbial wolf in sheep's clothing as it applies to public safety, national security and the efficient management of extremely limited ICE resources on the southern border, and indeed nationwide.

Border Patrol Agents and CBP Officers have the authority and means to issue release documents to immigration violators they apprehend. In fact, for each arresting officer (Border Patrol Agent or CBP Officer), serving the release document takes only a few minutes if done at the same time as all other required documents are served on the arrestee by the arresting officer. Understanding, as all in DHS, CBP and ICE leadership do, that ICE does not have adequate custody space, and therefore the majority of those arrested by CBP will be released, common sense would dictate that the arresting agency serve the documents for release, but again CBP refuses to do so.

The process put in place by DHS, CBP and ICE leadership to accommodate CBP not serving the release document is extensive, and costly. Costly not just in the financial sense, but also costly in its massive waste of manpower, and in the way it enables so many criminals on the border to remain in U.S. communities. In short, it works like this:

- Since CBP directs Border Patrol Agents and CBP Officers not to serve the release document to the thousands of immigration violators they arrest every day on the southern border, which again would take only a few minutes if done by each arresting officer, Border Patrol and CBP resources are used to transport thousands of CBP detainees from within large geographic areas to a single location in that general area to be served the release document by ICE Officers.
- Because ICE Enforcement and Removal Operations (ERO) is so small, and has so few officers on the southern border and indeed nationwide, ICE has in effect been forced to shut down or significantly cripple many vital ICE ERO Criminal and Terrorism apprehension efforts covering large areas on the southern border simply so ICE Officers can serve the release paperwork for CBP, this because of the massive number of immigration detainees that CBP is refusing to serve. As an example, in just one ICE office on the border, between 500-700 immigration detainees are brought to the ICE

office daily by CBP for the sole purpose of serving the release document CBP refuses to serve. In these locations, serving CBP paperwork has become nonstop, full-time, 10 hours a day or more, 5-7 days a week work for ICE Officers.

- So ridiculous is the combined DHS, CBP and ICE policy, that Border Patrol Agents and contractors are prohibited from opening the doors of Border Patrol detention vans after transporting immigration detainees to a location for release. The Border Patrol transports the detainees for release, but ICE Officers must follow in a separate vehicle for the sole purpose of opening the doors of the van upon reaching the destination so the detainees can exit the vehicle.
- ICE Officers from around the nation are also being pulled from Criminal and Terrorism apprehension efforts in their respective states and deployed to the southern border so that ICE has adequate resources to support opening vehicle doors for the Border Patrol and serving paperwork for CBP employees.

Under your watch Mr. President, on the southern border, ICE Officers are being taken from Joint Terrorism Task Forces, the ICE Criminal Alien Program, the ICE Violent Criminal Alien Section, U.S. Marshals Fugitive Task Forces, ICE Fugitive Operations Teams, and other vital ICE enforcement programs critical to public safety and national security, simply to open van doors for the Border Patrol, and serve a single release document that could be far more quickly, efficiently, and cost effectively served by Border Patrol Agents and CBP Officers processing the cases. Hundreds of man hours are wasted each day at a time of crisis on the border when the focus of our leadership should be streamlining efforts and eliminating redundant and unnecessary work.

### **ICE Officers Come in Mass to Report Gross Mismanagement and Public Safety Concerns on the Border**

When National ICE Council President Chris Crane recently visited the southern border of Texas, ICE Officers came in mass to see him, reporting widespread gross mismanagement, fraud, waste and abuse, and threats to public safety and national security resulting from these failed policies. In many instances, ICE Officers drove for hours to meet with Mr. Crane at private locations, fearing retaliation from ICE and DHS managers if discovered reporting the waste and safety threats taking place on the southern border.

Not only did Mr. Crane hear from ICE Officers that were taken from Terrorism Taskforces, and ICE's many other criminal apprehension teams to participate in the nonsense that's happening on the border, but he heard alarming firsthand accounts from field officers who, for example, are now forced to stop patrolling county jails in search of criminal aliens arrested by local police, potentially allowing hundreds of criminal aliens to be released back into U.S. communities each week. Officers on field teams reported being moments from arresting aggravated felons under their surveillance, only to be ordered not to make the arrest and let the aggravated felon remain free in the community because the aggravated felon "is not ICE's priority" according to ICE managers. **Instead, the priority of ICE's skeleton staff of officers along the southern border**

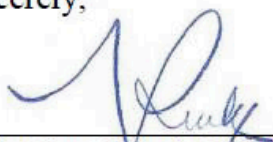


**is to open the doors of Border Patrol vehicles, and serve a single piece of paper that Border Patrol Agents and CBP Officers could serve themselves.**

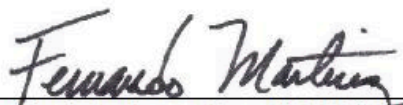
If you or your staff disagree with the assessment of ICE Officers serving in the field on the southern border, or Mr. Crane, we invite you to personally come to the southern border and speak directly to our veteran ICE Officers in the field so that you can explain to them why they are incorrect in their assessment that ICE resources on the border are being grossly mismanaged by DHS Secretary Kirstjen Nielsen and Acting ICE Director Ronald Vitiello. We would also appreciate you and your staff explaining to ICE field officers why the threats to public safety that they see in the field each and every day, due to these failed DHS and ICE policies under your Administration, are not highly problematic and don't require immediate action.

We have for years witnessed federal agencies going into 'public spin mode' in an attempt to mislead the American people instead of addressing problems such as these and correcting them. We are requesting that you exercise great caution if those around you advocate going into 'public spin mode' and covering this situation up, instead of working to end this problem on the border. However, if this is to be a public war of words between ICE field Officers and the Trump Administration, we ask that you immediately authorize investigative reporters access to ICE and CBP facilities, as well as ICE Officers on the southern border. You don't like "fake news" and neither do our officers, so instead let's provide transparency, tell Americans the truth, and stop this nonsense and these wasteful and dangerous policies now.

Sincerely,



Rick Diaz, Local 1210 President  
El Paso, TX, West Texas and New Mexico



Fernando Martinez, Local 1944 President  
San Antonio, TX, South Texas



Chris Crane, President  
National ICE Council

cc: Members, Committee on Homeland Security and Governmental Affairs