2008 Innovations Awards Program
APPLICATION

CSG reserves the right to use or publish in other CSG products and services the information provided in this Innovations Awards Program Application. If your agency objects to this policy, please advise us in a separate attachment to your program’s application.

ID # (assigned by CSG): 08-W-02AZ

Please provide the following information, adding space as necessary:

State: Arizona
Assign Program Category (applicant): Public Safety - Corrections (Use list at end of application)

1. Program Name

   Accelerated Criminal Alien Identification and Removal Program

2. Administering Agency

   Arizona Department of Corrections (the Department)

3. Contact Person (Name and Title)

   Dora Schriro, Department Director

4. Address

    Arizona Department of Corrections, 1601 West Jefferson, Phoenix, AZ 85007

5. Telephone Number

   602-542-1675

6. FAX Number

   602-364-0159

7. E-mail Address

   dschriro@azcorrections.gov

8. Web site Address

   www.adc.state.az.us
9. Please provide a two-sentence description of the program.

The Arizona Department of Corrections (the Department) is the first state or local correctional system in the country to implement an Accelerated Criminal Alien Identification and Removal Program (the Program) in partnership with the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE). Specially trained Department staff is assigned to the Department’s Intake Centers, authorized by ICE to 1) identify every inmate who is a criminal alien and amenable for deportation during the admission process, and 2) expedite the removal of eligible non-violent criminal aliens from the Department to ICE authorities as quickly as state law permits.

10. How long has this program been operational (month and year)? Note: the program must be between 9 months and 5 years old on March 1, 2008 to be considered.

The Department entered into the country’s first Memorandum of Understanding (MOU) with ICE on September 19, 2005 to implement the Program. The first 12 Department staff was trained and then deployed to perform ICE functions on November 28, 2005. The program has been in operation for 15 months; data is available for the first 14 months through January 31, 2008.

11. Why was the program created? What problem[s] or issue[s] was it designed to address?

Each year, a growing number of all state inmates admitted to the Department are criminal aliens. During Fiscal Year 2006 when the Program began, 2,620 criminal aliens were admitted the Department and by the end of that fiscal year a total of 4,443 criminal aliens made up 12.8 percent of the state’s total inmate population. Before the Program’s inception, ICE assigned two of its staff several days each week to the Department’s Intake Centers. As a result few criminal aliens were identified as foreign nationals amenable for deportation during the prison admission process. The lack of timely identification of inmates as criminal aliens created two significant problems. The first problem affected prison operations. The Department’s ability to make informed custody classification decisions was impaired by the lack of information whether certain inmates were criminal aliens amenable for deportation, needlessly placing Department staff and the community at avoidable risk. The other problem impacted prison overcrowding. Arizona Revised Statute 41-1604.14 makes provision for certain non-violent criminal aliens to serve a reduced percentage of their sentence – 50 percent instead of 85 percent – in prison before their removal to the custody of ICE for deportation. Significant delays in the identification and removal of criminal aliens by ICE resulted in many criminal aliens remaining in the Department’s custody longer than necessary, taxing bed capacity and general revenue funding. These issues are as relevant today with 5,092 criminal aliens making up over 13 percent of the 38,096 inmates currently in the Department’s custody.

12. Describe the specific activities and operations of the program in chronological order.

- The Department entered into a Memorandum of Agreement (MOU) with ICE on September 19, 2005. Federal law refers to these agreements as 287(g) agreements.
- The Department’s first class of 12 bi-lingual case workers and correctional officers participated in training provided by ICE from September 19 through October 13, 2005.
At the completion of the training, ICE authorized the graduating class to perform ICE functions, specifically to determine alienage and legally serve notice and orders.

- Department graduates participated in on-the-job-training provided by ICE at its headquarters from October 13 through November 10, 2005.
- Authorized Department staff continued on-the-job-training at the Department’s Intake Centers from November 10 to November 27, 2005.
- Department staff was assigned full-time to the Department’s Intake Centers under the supervision of ICE effective November 28, 2005.
- An additional 15 Department staff has been trained by ICE over time.
  - A second class of five Department staff successfully participated in training provided by ICE from February 27 to March 27, 2007.
  - A third class of ten Department staff successfully participated in training provided by ICE from April 3 to May 8, 2007.
- Over time, the number of authorized Department staff assigned on a daily basis to perform ICE functions has increased from five in November 2005 to ten today.
  - Currently, two staff is assigned to ICE Headquarters completing the most difficult reviews and serving deportation documents to criminal aliens statewide. Another seven staff is assigned to the Department’s Intake Center for male inmates. The remaining one staff member is assigned to the Department’s Intake Center for female inmates.
- The Department dedicated a modular unit on the grounds of the Intake Center on March 30, 2007 to perform ICE functions.
- The Department will begin conducting removal hearings for criminal aliens temporarily assigned to leased prison beds in others states (due to overcrowding) by teleconference during summer 2008.

13. Why is the program a new and creative approach or method?

Every state and local correctional system incarcerates criminal aliens however, they do not have the means by which to independently determine if these inmates are foreign born and amenable for deportation. They are wholly dependent upon ICE to make these determinations and effectuate those removals and ICE does not have sufficient resources to meet this need. Their inability to make timely and accurate assessments impacts the ability of state and local correctional systems to evaluate inmates’ flight risk and correctly classify prisoners. In some instances, the failure by ICE to timely identify criminal aliens and/or serve removal orders before the conclusion of their sentences resulted in their releases to the street instead of ICE authorities.

The Arizona Department of Corrections is the first correctional system at the state or local levels of government in the country to establish a process with ICE authorizing Department employees to resolve the backlog of prior years’ removal decisions and to make timely determinations as new inmates are admitted. The Department’s willingness to reallocate authorized staff that was trained and is now supervised by ICE has resulted in timely removals and eliminated criminal aliens’ releases to the street.

14. What were the program’s start-up costs? (Provide details about specific purchases for this program, staffing needs and other financial expenditures, as well as existing materials, technology and staff already in place.)
The Department provided the first eight workstations at $3,200 ($400 each). The cost to provide about four weeks of training on a full-time basis to a total of 27 Department employees cost $136,453 (four weeks of the annual salary including employee related expenditures/benefits of $60,646 for 27 Department employees). None of these positions was established to implement and operate the program however; only existing positions were reassigned thus the Department incurred no new cost. Within the year, the Department relocated the Program to a dedicated modular unit on the grounds of the men’s Intake Center and expended about $1,050 for its modification. The Department’s combined start-up costs was $140,703.

ICE provided three Arizona Automated Fingerprint Identification System (AZAFIS) terminals at $10,000 each, six workstations with computers at $2,500 each and T-1 connectivity at $22,000 for a total one-time expenditure of $67,000.

15. What are the program’s annual operational costs?

The annual cost to the Department to redeploy ten existing staff on a full-time basis to the Program is $606,465 ($60,646 salary and employee related expenditures/benefits annually per Department employee). In exchange for the redirection of existing personnel expenses and ten staff to the Program, the Department has realized annual cost avoidance equal to $16,414,877 in bed day savings (about $1,367,906 per month x 12 months).

16. How is the program funded?

The Program is funded through annually appropriated state General Revenue funds.

17. Did this program require the passage of legislation, executive order or regulations? If YES, please indicate the citation number.

No. Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-276, authorizes the Secretary of the Department of Homeland Security, acting through the Under Secretary for Border and Transportation Security, to enter into written agreements with a State or a political subdivision of a State so that qualified personnel may perform certain functions of an immigration officer. The Department’s MOU with ICE constitutes such a written agreement.

Please note. The Arizona Department of Corrections also utilized an existing provision in Arizona Revised Statute 1604.14 to deport certain non-violent criminal alien sooner. Other states that are interested in pursuing the accelerated release of certain criminal aliens to reduce bed day demand may need to enact legislation. The Department and ICE have extended offers to assist jurisdictions interested in rapid re-patronization.
18. What equipment, technology and software are used to operate and administer this program?

The Program operates today with a total of eight workstations at its two Intake Centers consisting of enclosed computers, monitors, fingerprint scanners and individual cameras. The MOU also affords the Department with access to the ICE databank and the ENFOCE and IDENT (FBI) software via T-1 lines to make alienage determinations and process removal orders. The equipment is augmented with an auxiliary emergency generator.

19. To the best of your knowledge, did this program originate in your state? If YES, please indicate the innovator’s name, present address, telephone number and e-mail address.

Yes, the Arizona Department of Corrections is the first correctional system at the state or local levels of government in the nation to pursue the accelerated identification and removal of criminal aliens. It was conceived and implemented by Dora Schriro, Director, Arizona Department of Corrections, 1601 W. Jefferson, Phoenix, AZ 85007, 602-542-1675, dschiro@azcorrections.gov.

20. Are you aware of similar programs in other states? If YES, which ones and how does this program differ?

The Los Angeles County Sheriff’s Department in California and the Mecklenburg County Sheriff’s Office in North Carolina subsequently entered into comparable 287(g) agreements with ICE to make timely identification of pre-trial detainees.

21. Has the program been fully implemented? If NO, what actions remain to be taken?

Yes, the program is fully implemented.

22. Briefly evaluate (pro and con) the program’s effectiveness in addressing the defined problem[s] or issue[s]. Provide tangible examples.

The Department’s Accelerated Criminal Alien Identification and Removal Program is meeting its two primarily goals.

One, whereas no criminal aliens were identified and issued ICE detainers the same day they were admitted to the Department in 2006 today, over 93 percent of all criminal aliens receive ICE detainers at Intake. Classification decisions are complete with current alienage information available.

Two, since the Program’s inception in 2006 1,241 eligible criminal aliens have been transferred to ICE for removal to their home country after 50 percent of their sentence is served instead of 85 percent, pursuant to Arizona Revised Statute 41-1604.14, yielding a savings of 310,690 bed days equal to a cost avoidance of $19,150,690 ($61.74 per bed per day operating cost), about $1,367,906 per month for each of the 14 of the 15 months that the Program has been in operation (data for February 2008 is not yet available).

Also since the Program started, another 3,584 criminal aliens who did not meet the criteria provided in ARS 41-1604.14 for early removal after 50 percent of the sentence was served, have been deported by ICE after 85 percent of their sentence was served for a total of 4,825
criminal aliens removed to date. Further, no criminal aliens are released to the street instead of ICE today; the removal process is always completed before the sentence.

There are no known issues negatively impacting the program’s effectiveness. Since its inception, the Department has enjoyed over 25 state and national print and media news stories, all of them favorable.

23. How has the program grown and/or changed since its inception?

Over time, three classes of Department staff have been trained by ICE with a total of 27 Department employees now authorized to perform ICE duties. The Program continues to operate at both Intake Centers however; its staff was relocated to a dedicated module in response to the increase in prison admissions. The method by which Department staff serves criminal aliens with legal notices has changed. Since 2006 ICE agents in states where some Arizona inmates are temporarily incarcerated now provide notice to those criminal aliens, reducing the need for out-of-state travel by Department staff and ICE staff assigned to Arizona. Finally, the addition of teleconferencing this year to conduct removal hearings will lower in-state travel.

24. What limitations or obstacles might other states expect to encounter if they attempt to adopt this program?

There are no known limitations or obstacles to its adoption.