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March 1, 2013

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Madam Secretary,

I write to echo concern and raise questions regarding the U.S. Immigration and Customs Enforcement (ICE) incomprehensible decision to release hundreds of detainees, purportedly as a budget cutting measure related to sequestration and the pending continuing resolution.

As I noted in a recent letter raising specific issues relative to last year's persistent and considerable illegal border traffic on a ranch in southern Arizona, your department has had a determined focus on the level of Border Patrol apprehensions as an indicator of performance relative to the security of border communities despite this metric failing to paint a complete picture. Based on recent media reports, it would appear that for the time being a more complete picture would at a minimum need to include information on ICE releases as well. Toward detailing the impact to Arizona communities of ICE's ill-advised decision, I request that you provide the following information:

- The number of detainees released in Arizona;
- A list of the charges brought against each detainee (with any personal information redacted to protect privacy);
- The number of detainees released and now under supervision per county and the nature of the reportedly less-expensive monitoring efforts being employed;
- The steps ICE took to notify state and local law enforcement agencies of the decision to release the detainees;
- A detailed comparison of the specific cost savings purported to be gained by the recent detainee release in Arizona and the costs that would have been incurred otherwise;
- A detailed description of the existing authority that ICE has to unilaterally determine that a given detainee should be released; and
- An overview of any intentions ICE has for further planned releases.

As I indicated previously, the U.S. public is loath to trust the federal government to move forward with the reforms necessary to address widespread issues presented by our broken immigration system unless steps are taken to address longstanding issues with security.

The Honorable Janet Napolitano

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Uncoordinated actions such as these taken by those within your department do little to increase that trust and could not have come at a less opportune moment. I appreciate your attention to this request and look forward to reviewing the information you provide.

Sincerely,

A handwritten signature in blue ink that reads "Jeff Flake". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

JEFF FLAKE
U.S. Senator