

United States Senate

WASHINGTON, DC 20510

October 13, 2015

The Honorable Loretta Lynch
Attorney General
Department of Justice
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530

The Honorable Jeh Johnson
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

Dear Attorney General Lynch and Secretary Johnson:

We write regarding the imminent release of federal prisoners as a result of new sentencing rules determined by the U.S. Sentencing Commission.

It has been reported that nearly 6,000 federal prisoners will be released in the beginning of November in accordance with new sentencing rules for those convicted of certain drug-related crimes. According to the *Wall Street Journal*, Justice Department officials have stated that “[a]bout one-third of those being released are foreign citizens who will be deported.” Separate from the on-going conversation regarding sentencing reform, this statement begs a number of questions that deserve timely answers.

As you are no doubt aware, recent tragedies have raised widespread concerns regarding the handling of criminal alien cases. For example, Apolinar Altamirano has been charged with murdering Grant Ronnebeck, a convenience store clerk in Mesa Arizona, after the U.S. Immigration and Customs Enforcement (ICE) began removal proceedings but allowed Altamirano to post \$10,000 bond.

Given the scheduled nature of this imminent release, we urge the Department of Justice and the Department of Homeland Security to take the necessary steps so as to ensure that what happened with Mr. Altamirano does not happen with those deportable criminal aliens expected to be released next month. Accordingly, we would appreciate written responses to the following questions by October 31st, 2015:

1. What is the precise number of deportable criminal aliens that are being released pursuant to the new sentencing rules?
2. What steps have the Department of Justice and the Department of Homeland Security taken to ensure the actual and prompt removal of the criminal aliens scheduled to be released pursuant to these new sentencing rules? What will be the precise process followed in these instances?
3. Please provide a list of the countries to which the criminal aliens that are being released pursuant to the new sentencing rules will be sought to be returned as well as the likelihood of each country accepting them.

United States Senate

WASHINGTON, DC 20510

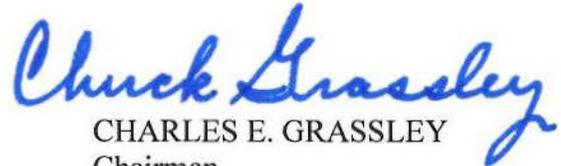
4. Does the Department of Justice and the Department of Homeland Security intend to detain all criminal aliens scheduled for release prior to their removal?
 - a. If not, why not?
 - b. Under applicable law, how many will be eligible for bond or other arrangements allowing their release back into the U.S. prior to deportation?
 - c. If any, to what city and States do you anticipate any of these criminal aliens being released into prior to deportation? Please provide figures as to each city and State.
 - d. If any, please provide the offense for which they are currently being incarcerated as well as any and all other criminal convictions in their history.
 - e. If any, how many will be transferred to the custody of a non-federal jurisdiction? Please provide figures as to each jurisdiction.
 - f. If released, what steps will you take to alert state and local authorities?

We are in support of reforming federal sentencing policies and hope that Congress will turn its attention to the issue soon, but we must do so in a responsible manner that does not compromise public safety. We look forward to your prompt response.

Sincerely,



JEFF FLAKE
United States Senator



CHARLES E. GRASSLEY
Chairman
Senate Committee on the Judiciary



Ron Johnson
Chairman
Committee on Homeland Security
And Governmental Affairs