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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

February 25, 2015

VIA ELECTROIC TRANSMISSION

The Honorable Sarah Saldaña
Assistant Secretary
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
Washington, D.C. 20536

Dear Assistant Secretary Saldaña:

This past January, Apolinar Altamirano was charged with murdering Grant Ronnebeck, a convenience store clerk in Mesa, Arizona.[1] We write regarding details surrounding this tragedy.

According to reports in the *Arizona Republic,* Mr. Altamirano pled guilty in Maricopa County Superior Court in 2012 to facilitation to commit burglary and was placed on supervised probation for two years.[2] After his guilty plea, U.S. Immigration and Customs Enforcement (ICE) took custody of Mr. Altamirano and began removal proceedings.[3] However, ICE failed to remove Mr. Altamirano from the country and instead released him back into society in 2013.[4] Two years later, Mr. Altamirano was named as a suspect of the murder in question.[5]

Subsequently, ICE explained its failure to deport Mr. Altamirano prior to the alleged murder, as follows: "[a]fter reviewing his immigration and criminal history, which showed only this conviction, ICE determined that under applicable law, Mr. Altamirano was eligible for bond. Mr. Altamirano posted a $10,000 bond on January 7, 2013." While released on bond, and before the alleged murder, Mr. Altamirano reportedly had *two* injunctions issued against him by a court due to complaints of harassment.[6] One of those injunctions was issued just three days before the

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[1] Jim Walsh, "Mesa QT clerk killed over cigarettes," *The Arizona Republic,* Jan. 22, 2015, http://www.azcentral.com/story/news/local/mesa/2015/01/22/mesa-qt-murder-chase-abrk/22152235/.
[2] Jim Walsh, "Suspect in Mesa QT killing faced deportation proceedings," *The Arizona Republic*, Feb. 2, 2015, http://www.azcentral.com/story/news/local/mesa/2015/01/27/mesa-qt-killing-suspect-subject-deportation-proceedings/22383351/ .
[3] *Id.*
[4] *Id.*
[5] *Id.*
[6] *Id.*

alleged murder.[7] According to reports, one woman feared for her life because Mr. Altamirano had threatened to kill her "plenty of times" and pointed a gun at her boyfriend.[8]

According to ICE, its enforcement policies and procedures are designed to protect national security and public safety. If the allegations related to this instance are found to be true, public safety was not ensured in this case. Given the gravity of this situation and the manner in which Mr. Altamariano's case was handled by ICE, we would appreciate written responses to the following questions by March 20, 2015:

1. Under what applicable law was Mr. Altamirano eligible for bond? Was releasing Mr. Altamirano a discretionary act by ICE officials?

2. Did ICE notify any Arizona state and/or local authorities that Mr. Altamirano would be or was released on bond? If so, how? If not, why not?

3. To what extent did ICE monitor the whereabouts of Mr. Altamirano while he was out on bond?
    a. Was an order of supervision or any other type of supervision issued?
        i. What was the length of his supervision?
        ii. What were the conditions of his supervision and how did ICE enforce them?
        iii. During the length of his supervision, how many times did Mr. Altamirano check-in with ICE officials? Please provide dates.

4. ICE did not revoke Mr. Altamirano's bond despite two injunctions issued against him and despite complaints that he had threatened to kill a person and had brandished a firearm against another. What would it have taken for ICE to revoke bond in this case?

5. When did ICE become aware of the injunctions issued against Mr. Altamirano?

6. Since Fiscal Year 2010, how many aliens in removal proceedings with criminal histories have been eligible for bond and been released in the state of Arizona and in Iowa? Please provide a list of the charges for which the individuals released were found guilty.

7. Since Fiscal Year 2010, how many aliens in removal proceedings with criminal histories that have been eligible for bond and released in the state of Arizona and in Iowa have reoffended? Please list the charges that have been brought against these individuals.

8. Nationwide, in how many other instances since Fiscal Year 2010 have aliens with criminal histories been released while in removal proceedings and subsequently been charged with murder?

9. What is shortest time period a removal proceeding in the state of Arizona can take, the longest time period, and the average time period for removal proceedings in the state?

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[7] *Id.*
[8] *Id.*

10. What is shortest time period a removal proceeding in the state of Iowa can take, the longest time period, and the average time period for removal proceedings in the state?

11. Were there backlogs or other issues preventing the resolution of Mr. Altimirano's deportation proceedings prior to his release on bond in January 2013?

12. Going forward, what is the likely disposition of Mr. Altimirano's case with respect to federal custody, ICE's bonding, and court proceedings?

13. Are you aware of state and local criminal justice officials taking into account the likely detention of an individual facing criminal charges and the subsequent removal based upon certain convictions in decision-making related to bond and sentencing?

14. It is our understanding that ICE has put into place a requirement that a senior-level supervisor approve the release of potentially dangerous individuals; was Mr. Altimirano's release approved by a senior-level supervisor? If not, is there an effort to review the past releases of dangerous individuals such as Mr. Altimirano?

Please number your responses according to their corresponding questions. If there are any questions, please contact Chandler C. Morse at (202) 224-4521 or Jay Lim at (202) 224-5225.

Sincerely,

Jeff Flake
U.S. Senator

Charles E. Grassley
Chairman