

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

AMERICAN IMMIGRATION COUNCIL AND  
AMERICAN IMMIGRATION LAWYERS  
ASSOCIATION CONNECTICUT CHAPTER,

Plaintiffs,

V.

DEPARTMENT OF HOMELAND SECURITY,

Defendant.

**Case No. 12-00355**

**SUPPLEMENTAL DECLARATION  
OF JAMISON MATUSZEWSKI**

Jamison Matuszewski, pursuant to 28 U.S.C. § 1746, declares as follows:

**I. INTRODUCTION**

1. I am the Unit Chief for the Criminal Alien Program (CAP), within Enforcement and Removal Operations (ERO) at U.S. Immigration and Customs Enforcement (ICE). I have held this position since January 2012. Prior to this, I was the Special Assistant to the Deputy Assistant Director for the Criminal Alien Division beginning in October 2010, the acting CAP Unit Chief from July 2009 to October 2010, a CAP staff officer from July 2008 to July 2009, and a Deportation officer in Phoenix, Arizona from February 2006 to July 2008. Prior to being employed by ICE, I was a United States Border Patrol Agent stationed in San Diego, California, and later in Casa Grande, Arizona, beginning in 1997.

2. The statements contained in this declaration are made to the best of my knowledge and belief, and are based upon my personal knowledge, my review of documents kept

by ICE in the ordinary course of business, and information provided to me by other ICE employees in the course of my official duties.

3. In general, the CAP provides ICE-wide support in the identification and processing for removal of aliens found incarcerated in federal, state, and local prisons and jails. The CAP also provides support for the investigation and arrest of at-large criminal aliens.

4. As the Unit Chief, I am responsible for the overall success of the program to include its initiatives such as: the violent criminal alien section (VCAS), which is the criminal prosecutorial arm of ERO; law enforcement agency response team; joint criminal alien removal taskforces; and the screening of more than 4,300 prisons and jails. I also am responsible for the international criminal history sharing initiative and the development of long term agreements with other federal entities.

5. On November 29, 2011, plaintiffs requested “all records related to CAP, as well as to the series of INS [Immigration and Naturalization Service] and ICE programs out of which CAP developed, including the INS Alien Criminal Apprehension Program, INS Institutional Hearing Program, INS/ICE Institutional Removal Program, and ICE National Criminal Alien Removal Plan.” Plaintiffs sought all such records created from January 1, 1986 to the present.

6. Plaintiffs’ request includes, but is explicitly not limited to, all records regarding any individual identified by, detained by, arrested by, and/or transferred to the custody of ICE, INS, or any other federal agency pursuant to or in connection with the CAP and its predecessor programs; all records of communication to or from ICE or INS related to the CAP and its predecessors; and all policies and procedures, statistical data, resource allocation information, and program organization information of the CAP and its predecessors.

7. I incorporate by reference all statements made in my prior declaration of July 12, 2012.

8. The purpose of this declaration is to provide the Court with additional information about ICE agency systems of records and to respond to statements made in Plaintiff's Opposition to Defendant's Motion for Summary Judgment.

## **II. ICE SYSTEMS OF RECORDS**

9. The Enforcement Integrated Database (EID) is a Department of Homeland Security (DHS) shared common database repository for several DHS law enforcement and homeland security applications. EID captures and maintains information related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS), all components within DHS.

10. EID is a common database repository owned and operated by ICE that supports the law enforcement activities of certain DHS components. EID is the repository for all records created, updated, and accessed by a number of software applications including the ENFORCE Apprehension Booking Module (EABM), ENFORCE Alien Detention Module (EADM), and ENFORCE Alien Removal Module (EARM). Collectively these applications are referred to as the "ENFORCE applications."

11. ENFORCE applications capture and maintain information related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and law enforcement investigations and operations conducted by ICE, CBP, and USCIS.

12. An event-based record for each encounter is created in EID, but the system provides users the capability to access a view of the data using the ENFORCE applications that is focused on the individual subject of the records. Users can also print for local field office use reports, notices, and other documents containing EID data, which are used for criminal and administrative law enforcement purposes and typically are retained in criminal investigative files, detention files, and Alien Files (A-Files).

13. EID is not independently word-searchable. Therefore, ICE cannot enter the word “CAP” or any variation thereof and retrieve any records.

**A. ENFORCE APPREHENSION BOOKING MODULE (EABM)**

14. EABM is the graphic user interface that allows ICE personnel to input all arrest data, including data referencing programs such as CAP.

15. EABM contains records of activities related to incidents including CAP activities. These records can be categorized as both case and person records. Case records relate to incidents. These incidents can be encounters based on biographic or biometric leads from law enforcement agencies or from Secure Communities.

16. EABM is not word text searchable but an individual’s records can be located by using specific identifiers such as name, alien number, event number, or FBI number. ICE can also locate individuals in EABM by selecting one of four CAP related options through pre-defined fields in a drop down menu and retrieve some portion of records, mostly arrest data, related to an individual but not the individual’s complete record.

17. The only information contained within EABM relates to arrest data. It is not assigned to any particular program and therefore, ICE cannot confirm the data belongs to CAP. In order to retrieve arrest data in EABM one would need to maneuver through several drop down

menus and check boxes to generate a report that would contain skeletal information about an arrest for an individual. The arrest information generated reflects how many people are in custody at any given moment but cannot be considered equivalent to a “CAP arrest.” This reporting function is primarily used to verify an officer’s work product.

18. The EABM reporting function is limited and the reports it can generate exist only as predetermined reporting mechanisms for docket control offices. It is meant to be used within a docket control office for routine and daily reporting. ERO would not use this reporting tool for reporting statistics on CAP data and instead uses IIDS (described below) because unlike the EABM reporting tool, IIDS will encompass all records pertaining to ERO as well as be able to be queried for more information than just arrest data. EABM is also not useful for large data pulls. There are more than 200 docket control offices and sub-offices nationwide. ICE would be required to run a report for each docket office and add them all together to get a nation-wide view of arrests, which would neither be practical nor as accurate as data generated by IIDS.

**B. ENFORCE ALIEN DETENTION MODULE (EADM)**

19. EADM is the graphic user interface that allowed users to input information on detained aliens.

20. EADM also contained information on transfers in and out of ICE as well as the Risk Classification Module assessment that was meant to identify and assess risk placement of a detainee and bond information.

21. EADM, which originally was intended to be a repository for detention records, has now been phased out of active use and contains little to no unique data that is not replicated elsewhere in other EID modules.

22. EADM was not and is not word text searchable. Thus, ICE could not and cannot search EADM for the term “CAP” or any variant thereof.

**C. ENFORCE ALIEN REMOVAL MODULE (EARM)**

23. EARM combines data from EABM and EADM. Information that was previously recorded in EADM is now recorded directly into EARM.

24. The EARM application supports ICE’s processing and removal of aliens from the United States. ICE ERO personnel use EARM primarily as a case management tool to track the status of alien removal proceedings.

25. EARM provides personal identifiers, photographs, and details of removal case proceedings to aid ERO in carrying out the removal of aliens from the United States.

26. EARM is not word text searchable and can only be searched by using an individual’s specific identifiers such as name, alien number, event number, FBI number, or subject ID. ICE cannot search EARM for the term “CAP” or any variant thereof.

**E. ICE’S REPORTING TOOL THE ICE INTEGRATED DECISION SUPPORT SYSTEM (IIDS)**

27. To address the lack of reporting capability within EID, in 2009, ICE created a reporting database, IIDS. IIDS retrieves information from EID and generates statistical reports with that information. As part of the generation of statistical information, IIDS also has the ability to generate a “detailed” report that contains a listing of the data underlying the statistical information.

28. Records can be retrieved from IIDS using descriptors entered by an officer specific to a person, such as alien number, subject id number, date of birth, or miscellaneous number such as an FBI number.

29. The records in IIDS are also retrievable by event descriptors such as arrest type, lead type, program code, and event number.

30. IIDS is populated by information from EID by means of regular “data dumps” of specified data points that occur every 48 hours. The data points are preselected by ICE to meet agency requirements for data analysis.

31. ICE regularly develops reports from the information transmitted to IIDS, including reports on enforcement and detention activity, to encompass CAP activities.

32. I previously stated in paragraph 23 of my July 12, 2012 declaration that: “Although ICE tracks the cumulative number of ‘CAP encounters,’ it does not have any supporting details that would allow it to identify the individuals encountered by CAP and retrieve their records, nor are any files identified as ‘CAP files.’ Further, an individual could have had more than one ‘CAP encounter.’ An individual who had a ‘CAP encounter’ between 1986 and the present could be any alien in any prison or jail in the country during that time. ICE does not have a database or system that designates an individual as having a ‘CAP encounter.’”

33. I made these statements, and intended them to be read, in the context of plaintiffs’ FOIA request for all records related to CAP and its predecessor programs created from 1986 to the present, and they are accurate in that context. As explained below, ICE did not have a reliable and overarching ability to electronically identify records or encounters as related to CAP until 2010.

34. Prior to FY2006, ICE’s records were not maintained for reporting specific to CAP. Instead reporting was based on the overall success of the Agency in public safety, which was found in a number of Department-wide databases, including EID’s predecessor, the

Detained Alien Control System (DACS), and EID. During this time (prior to FY2006), there was no central system that tracked what is today considered CAP data.

35. From FY2007 to FY2010, ICE was involved in a data migration of records from the DACS to EID. This data migration was complicated by the lack of a common interface and differences in the data points tracked by the two systems. The data migration also resulted in the loss of some CAP-identifying information from records. ICE does not consider CAP-related data from this time period that is retrievable from EID and reportable from IIDS to accurately reflect reported CAP data.

36. From FY2010 until present, data quality as it relates to CAP has improved greatly within EID and IIDS, and ICE considers FY2010 and newer data to be reliable.

37. ICE has the ability to filter data in IIDS for FY2010 and beyond for CAP encounters.

38. I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief. Signed this 29th day of October, 2012

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

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Jamison Matuszewski, Unit Chief  
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