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Report to the Ranking Minority Member,
Subcommittee on National Security,
International Affairs and Criminal
Justice, House Committee on
Government Reform and Oversight

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LAW ENFORCEMENT SUPPORT CENTER

Name-based Systems Limit Ability to Identify Arrested Aliens





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The Honorable Karen L. Thurman
Ranking Minority Member, Subcommittee on
National Security, International Affairs
and Criminal Justice
Committee on Government Reform and Oversight
House of Representatives

Dear Ms. Thurman:

This report responds to the former chairman's request that we review current Immigration and Naturalization Service (INS) initiatives for identifying which arrested individuals are aliens and evaluate the reliability of INS' criminal alien¹ information. The Anti-Drug Abuse Act of 1988 (Public Law 100-690) required the Attorney General to devise and implement a system to make available to federal, state, and local authorities, on a 24-hour basis, the investigative resources of the INS to determine whether individuals arrested for aggravated felonies² are aliens. To meet this requirement, INS established the Law Enforcement Support Center (LESC), whose pilot operations began in July 1994. When individuals arrested for aggravated felonies identify themselves as being foreign-born, the local law enforcement agency (LEA) sends a request to LESC to determine whether these individuals are aliens³ and, thus, possibly subject to deportation. LESC staff then query five existing INS databases to determine if the individual arrested is an alien and send a response to the LEA.

¹For purposes of this report, the term "criminal alien," refers to any alien who has been convicted of certain serious crimes in the United States. Under provisions of the Immigration and Nationality Act (8 U.S.C. S 1251, 1252(a)), aliens who are convicted of certain serious crimes including aggravated felonies, crimes of moral turpitude, multiple crimes, and drug and firearms offenses may be taken into custody and deported, typically following the end of the alien's incarceration for the underlying sentence.

²Aggravated felonies include murder, narcotics and firearms trafficking, money laundering, crimes of violence, and other serious crimes such as alien smuggling and document fraud.

³For purposes of this report, the term alien refers to foreign-born persons who are not naturalized citizens of the United States. Legal aliens can be deported if convicted of serious crimes. LEA cannot assume that an individual is foreign-born based on the individual's name or appearance. Individuals not stating that they are foreign-born are considered by LEAs to be citizens.

Based on the former chairman's request and subsequent agreements with his office, we determined whether

- LESC, using INS' existing name-based⁴ databases, can identify individuals arrested for aggravated felonies as aliens;
- other INS initiatives will allow identification of aliens arrested for aggravated felonies; and
- criminal alien information in two of INS' databases is complete and accurate.

Results in Brief

The LESC pilot allows LEAS access to INS data 24 hours a day. However, because of limitations inherent in INS' name-based databases, LESC electronic searches cannot conclusively identify individuals arrested for aggravated felonies as aliens. These searches match the name and date of birth provided by the arrested individual with those of aliens in the databases. Unlike fingerprints, which uniquely identify an individual, these data may be shared by more than one individual and can be easily falsified. Thus, the LESC electronic search can only identify possible matches, which require an INS investigator to conduct an additional investigation to conclusively determine whether the arrested individual is an alien. Using this process during the pilot, INS initiated enforcement actions on 1,935 aliens. However, the LEAS released 920 additional aliens that INS could have taken enforcement actions against because INS did not identify them before bond was posted or the aliens were released on their own recognizance by the LEAS. The INS investigator assigned to the pilot estimated that at least 46 of the 920 were arrested for aggravated felonies—the population targeted by the mandate.

Two other initiatives offer possibilities for identifying aliens arrested for aggravated felonies. The first initiative is the INS Identification System (IDENT). According to INS officials, it is to be fully implemented in 1999 and is intended to provide a unique identifier for aliens encountered for enforcement or benefit purposes, thus allowing a more efficient means of identifying these aliens. However, IDENT is to include only (1) known criminal aliens currently in INS' databases and (2) those aliens for whom INS will process benefit or enforcement actions after IDENT's implementation. IDENT will not include noncriminal aliens currently in INS' databases, students, tourists, or business people.

The second initiative is limited to California and to criminal aliens previously deported from that state. Under this initiative, INS provides

⁴INS' case files are established using name and date of birth provided by the alien.

fingerprint cards of previously deported criminal aliens to the California Department of Justice (CAL/DOJ), which reads them into the state automated fingerprint processing system. When there is a match, the person's state criminal history file is flagged with a criminal alien alert. If these persons are arrested after reentering the country illegally, the LEAS can immediately identify them as deportable aliens and contact INS.

Criminal alien information in INS' Deportable Alien Control System (DACS) database and the corresponding Central Index System (CIS) files is incomplete and inaccurate. According to our statistical sample of criminal aliens recorded in DACS, important information contained in INS paper files was missing from, or incorrectly entered into, the DACS electronic files. For example, 80 percent of the records in our sample did not contain all aliases used by the aliens, and 22 percent contained either misspelled names, incorrect name order, or incorrect nationality. Furthermore, DACS did not contain records of all the paper files it should have included, and some of the criminal alien files it did contain lacked the information needed to show that these persons were criminal aliens.

Background

INS, a component of the Department of Justice (DOJ), is responsible for administering the immigration and naturalization laws relating to the admission, exclusion, deportation, and naturalization of aliens. Under the Immigration and Nationality Act, the Attorney General has sole authority to determine alien status and to initiate deportation proceedings. The act also authorizes the Attorney General to apprehend and deport aliens who have been convicted of serious crimes, including aggravated felonies; crimes of moral turpitude; multiple crimes; and drug and firearm offenses. These apprehension and deportation authorities have been delegated to INS.

INS Databases

INS has five electronic databases containing the primary information it relies upon for its day-to-day operations. The databases are as follows:

- The Central Index System (CIS) is the central file for all aliens with whom INS has had contact except nonimmigrant⁵ aliens. It also contains cross references to other databases in which individuals have files.
- The Deportable Alien Control System (DACS) contains data on all aliens who currently are or have been in deportation proceedings, including

⁵Nonimmigrant aliens are those individuals who come to the United States for a specific period of time, such as tourists, students, and business people.

criminal aliens. DACS also contains information on aliens who have been apprehended upon entering the country illegally and returned involuntarily to their countries. DACS supports INS' enforcement activities.

- The National Automated Immigration Lookout System II (NAILS II) is a lookout enforcement system which contains data about persons of interest to INS, including aliens who are suspected of illegal activities and/or have been previously deported. NAILS II is used by inspectors at various ports of entry throughout the country.
- The Nonimmigrant Information System (NIIS) contains arrival, departure, and ancillary information pertaining to nonimmigrant aliens entering the United States legally on tourist or business visas.
- The Student and Schools System (STSC) is the primary vehicle for identifying, locating, and determining the status or benefit eligibility of nonimmigrant students and their dependents.

Appendix I provides a more detailed description of the databases. All alien case files in the databases, with the exception of NIIS and STSC, have corresponding paper files, which contain information on all service and, if applicable, enforcement actions that INS has taken or is taking. The paper file for criminal aliens generally includes a set of fingerprints, the Federal Bureau of Investigation (FBI) criminal history, and other identifying information, such as a photograph.⁶

LESC Pilot Operations

The pilot phase of LESC started in July 1994 and is scheduled to last 15 months and will conclude September 30, 1995. Its objectives are to develop an interim site in Burlington, Vermont, and, using INS staff temporarily detailed to the site, field test LESC's ability to respond to inquiries, initially from the Phoenix Arizona Police Department and, starting in November 1994, from the Maricopa County, Arizona, Sheriff's Department. This phase is estimated to cost \$1.4 million. During fiscal years 1996 and 1997, LESC will accept queries from California, New York, Florida, Texas, and Illinois in addition to Arizona. In its fiscal year 1996 budget, INS has requested 39 staff positions to operate LESC and estimates that LESC operating expenses will total \$3.4 million and \$3.6 million for fiscal years 1996 and 1997, respectively.

⁶Of 383 criminal alien paper files we reviewed, 290 contained the FBI criminal history and 277 contained sets of fingerprints.

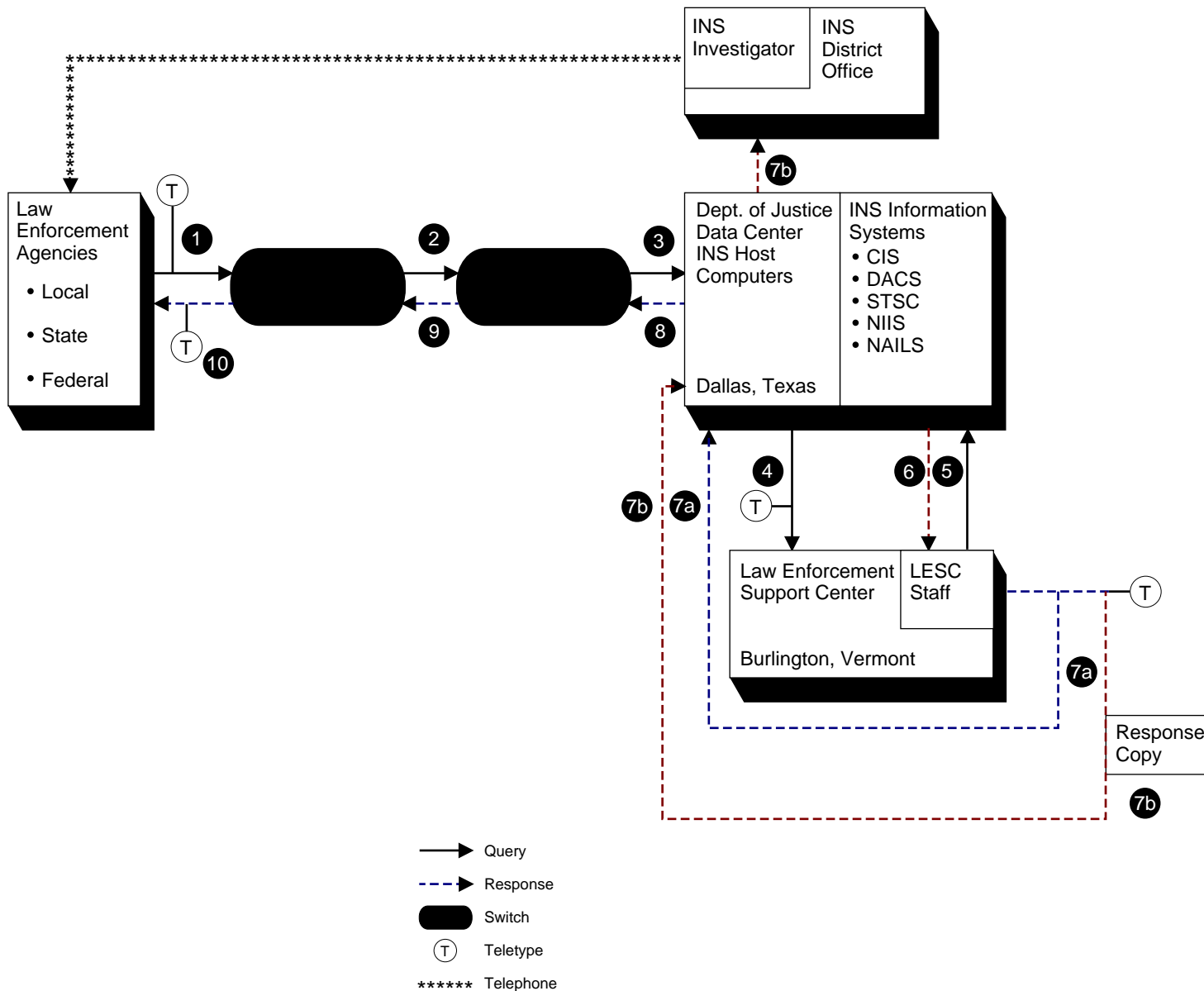
An interim independent assessment⁷ of the LESC pilot operating results through February 1995 concluded that the LESC concept was viable and recommended that the pilot continue so that a full assessment can be made at the conclusion of the pilot test. In October 1995, the Justice Management Division of DOJ plans to perform a full evaluation of LESC's first year of operation. If this evaluation indicates that LESC should be expanded nationwide, INS plans to conduct this expansion over a 3-year period, subject to Justice and Office of Management and Budget approval. In addition, INS officials told us that a site survey will be done based on GSA's site selection criteria before a permanent location is selected.

The pilot links LEAS in Phoenix and Maricopa County with LESC in Burlington, Vermont, so that the LEAS can have access to information in INS' five databases to determine whether a person who has been arrested for an aggravated felony is an alien. The INS Phoenix District Office provides investigative support for all LEAS in Arizona. In Phoenix, when individuals are arrested for aggravated felonies and identify themselves as foreign-born, the LEA official initiates a query to LESC. However, queries from Maricopa County (the largest LEA in Arizona) are not limited to aggravated felonies; they are initiated for all foreign-born individuals arrested for any offense. These queries are initiated automatically when information that an individual is foreign-born is entered into the booking terminal. INS officials told us that the decision to include all arrests was made because the LESC staff needed a much greater number of inquiries than it was receiving from the Phoenix police department so that they could more effectively test the mechanics of the LESC electronic computer system.

The two LEAS initiate queries to LESC through the existing National Law Enforcement Telecommunications System (NLETS) network, which LEAS routinely use for interagency exchange of criminal justice and related information. Figure 1 shows how queries are routed between LEAS and LESC.

⁷DOJ contracted with the Institute for Intergovernmental Research (IIR) to conduct this assessment. IIR is a nonprofit law enforcement research and management service.

Figure 1: Flow of LEA Query and Response



In Burlington, Vermont, an LESC staff member receives printed teletyped queries from the LEAs and enters the name, date of birth, and other information submitted by the LEAs into computer software that initiates a sequential search of the five INS databases in the mainframe at the DOJ Data Center in Dallas, Texas. The search will either reveal that no information that matches the name and date of birth of the individual who has been arrested is available or will list the name or names of any persons in the databases who are possible matches. The LESC staff member compiles the information and teletypes a response to the LEA which states, "This is not an INS detainer." The response ends with the following message: "For further information, contact (agent's name), Phoenix INS [District Office], (agent's telephone number)." The response from LESC travels back to the LEA over the same path that the initial query used.

The LESC staff member concurrently sends a copy of the response to the INS Phoenix District Office. There, an investigator assigned to the pilot is responsible for analyzing the response. In the early months of the pilot, before Maricopa County was added, the INS investigator first obtained the paper files of the individuals proposed as possible matches. If the paper files were not in the Phoenix District Office, the investigator queried CIS to determine their location and called that location to expedite the file's transfer. According to the Phoenix INS investigator, files are usually transferred within 24 hours for expedited requests.

After obtaining the paper file, the Phoenix INS investigator reviewed it for unique identifying information, such as the fingerprint card. In some cases, the investigator would compare the arrested person's fingerprint card, obtained from the LEA, to the fingerprint card in the INS file. If identifications could not be made from the file data, the investigator interviewed the individuals to determine their alien status. The Phoenix investigator told us he could usually determine whether the individuals were aliens from interviews, since INS investigators are trained to identify aliens through interrogations.

If the arrested person is identified as an alien subject to deportation, INS will issue a detainer, which requires the LEA to notify INS before releasing the individual from custody. Therefore, if the LEA plans to release individuals on bond or their own recognizance at any point in the criminal proceedings, INS will be notified in time to take these individuals into custody and begin the deportation process on the basis of any previous convictions or deportations. Conversely, if the LEA prosecutes and convicts aliens of aggravated felonies, INS can either initiate deportation

proceedings on the basis of these convictions while they are incarcerated or take them into custody and begin deportation proceedings after they have served their sentences.

Scope and Methodology

In order to determine whether LESC can identify individuals arrested for aggravated felonies as aliens, we interviewed the INS investigator in the Phoenix District Office and police officers in the Phoenix Police Department and the Maricopa County Sheriff's Office. In addition, we reviewed over 300 responses sent to LEAS by LESC during November and December 1994. We obtained the results of LESC operations from July 1994 through May 1995.

To determine whether other current INS initiatives will allow identification of aliens arrested for aggravated felonies, we interviewed senior managers and information resource management (IRM) officials at INS headquarters and reviewed documentation pertaining to two initiatives—an INS identification system and a project between INS and the California Department of Justice. We did not perform an in-depth review of these initiatives to assess such issues as feasibility of implementation schedules, cost effectiveness, and appropriateness in meeting mission needs.

To determine whether criminal alien information in INS' databases is complete and accurate, we focused our review on DACS, INS' repository for information on identified criminal aliens. We defined our universe as all files for identified criminal aliens recorded in DACS for which the corresponding paper files were located in 17 INS locations. The 17 INS locations were selected because they represented areas with the most known criminal aliens and because of their proximity to our regional offices. This defined universe represented 79 percent of the total number of criminal alien electronic files recorded in DACS. We selected a statistically valid random sample of DACS electronic files from our defined universe and obtained the corresponding CIS electronic files. We compared these electronic files to the corresponding paper case files to determine accuracy and completeness. In addition, we selected a judgmental sample of paper files of aliens for whom deportation proceedings had begun or had been completed to determine whether they had been entered into DACS.⁸

⁸A judgmental sample, rather than a statistical sample, was required because INS did not know the total number of paper files for aliens for whom deportation proceedings had begun or had been completed.

Our review was conducted between December 1993 and June 1995 in accordance with generally accepted government auditing standards. We requested comments on a draft of this report from the Attorney General or her designee. On June 15, 1995, the INS Associate Commissioner for Enforcement, the Assistant Commissioner for Investigation, and the Assistant Commissioner for Data Systems Division provided us with oral comments, which are discussed in the Agency Comments and Our Evaluation section of this report. INS officials also provided us with updated information on the status and results of the LESC, IDENT, and CAL/DOJ initiatives following the period of our review. In addition, the FBI provided technical comments on factual matters in our report. These INS and FBI comments have been incorporated where appropriate. Appendix II provides a more detailed discussion of our scope and methodology.

Name-based Databases Limit LESC's Ability to Identify Aliens

Although LESC gives LEAS access to INS information, limitations inherent in INS' name-based databases delay identification of arrested persons as aliens until an INS investigator can make a conclusive determination. LESC searches INS files using the name and date of birth of arrested individuals to attempt to match them with aliens in its databases. These searches are inconclusive because names and dates of birth in the files are not unique to an individual and can be easily falsified.

Unlike LEAS, who establish criminal history files based on fingerprints, INS establishes paper and electronic files for aliens—for both enforcement and service purposes—based on the name, date of birth, and other personal information that an individual provides. However, some individuals may have the same or similar names and dates of birth as other persons. In addition, aliens who commit crimes often provide aliases and other false information in their encounters with INS.⁹ As a result, INS may unknowingly create multiple files for the same individual and, during a search by name, may not locate all information on the individual. In our statistical sample of 383 criminal aliens in DACS, we found that 317, or about 83 percent, had used one or more aliases and 184, or 48 percent, had supplied more than one birth date to INS. The following tables provide more detailed information on the use of multiple aliases and birth dates by the criminal aliens in our sample.

⁹Aliases include all names used by an individual that differ from the name used for the first encounter with LEAs or INS.

Table 1: Aliases Used by Statistical Sample of 383 Criminal Aliens

Aliases used^a	Number of aliens	Percentage
None	66	17
One or more	317	83
Two or more	267	70
Ten or more	72	19
Twenty or more	19	5
Thirty or more	6	2

^aFor those criminal aliens who used aliases, each grouping is inclusive. For example, those who used 30 or more aliases are also included in those who used 20 or more, 10 or more, and 2 or more aliases.

Table 2: Birth Dates Used by Statistical Sample of 383 Criminal Aliens

Birth dates used^a	Number of aliens	Percentage
One	199	52
Two or more	184	48
Five or more	45	12
Ten or more	5	1

^aFor those criminal aliens who used more than one birth date, each grouping is inclusive. For example, those who used 5 or more birth dates or 10 or more birth dates are also included in those who used 2 or more birth dates.

From the inception of the LESC pilot in July 1994 through May 31, 1995, LESC received 6,738 queries. For 56 percent of the queries, no record was found in the electronic files. INS officials told us that the two major reasons why no records were found were that (1) the alien gave a different name or date of birth than that recorded in INS' databases or (2) the alien entered the country illegally and thus was not recorded in any of INS' databases. The automatic search process provided a possible match for about 10 percent of the queries. However, the LESC staff was able to provide possible matches for an additional 34 percent of the queries by searching each database separately using variations of the name. Then the INS investigator either reviewed the paper file or interviewed the individual to conclusively determine that the individual was an alien.

The time required for LESC's electronic search and the subsequent investigation limits INS' ability to detain aliens arrested for aggravated felonies. According to Phoenix police officers, they usually need confirmation that arrested individuals are aliens and an INS detainer within

8 hours of arrest to ensure that these persons are not released before INS can take action.

As a result of the combined electronic search and subsequent investigations from July 1994 through May 1995, INS took enforcement action on 1,935 aliens.¹⁰ During this period, however, LEAS released 920 aliens that INS would have detained because INS did not identify them as aliens before bond was posted or they were released on their own recognizance. Of the 920 individuals, the Phoenix investigator estimated that between 5 and 10 percent (46 to 92) of the released aliens had been arrested for aggravated felonies—the population targeted by the mandate. The remaining individuals that had not been arrested for aggravated felonies had either been previously deported or had prior convictions and INS could have taken enforcement action against them if they had not been released.

Other INS Initiatives Offer Possibilities for Identifying Aliens Using Fingerprints

Two other INS initiatives use fingerprints as unique identifiers for aliens. In the first, INS is developing the INS Identification System (IDENT), an automated fingerprint database of aliens INS processes for either enforcement or benefit purposes. According to INS, once IDENT is implemented, the fingerprint of an arrested individual could be matched against INS' automated fingerprint database to obtain all available information on that individual, thus allowing INS to determine the correct course of action to take. In the second initiative, the California Department of Justice (CAL/DOJ) is flagging the state criminal histories of previously deported criminal aliens based on fingerprint cards supplied by INS. This allows LEAS to detain these individuals until INS takes them into custody. Because both of these initiatives use fingerprints rather than names and dates of birth, they offer possibilities for more effectively identifying aliens. However, INS will continue to rely on a name search capability for millions of aliens not covered by the fingerprint initiatives.

IDENT Is Intended to Identify Aliens by Fingerprint

In calendar year 1995, INS began to implement IDENT, a fingerprint-based identification system that uses images of the right index finger to classify and identify individuals. According to the November 14, 1994, IDENT draft project plan, "The solution [to INS' current identification problems] is to move away from names and use individually-unique biometrics. The most reliable and commonly used biometrics are the fingerprints." IDENT will use

¹⁰Deportation proceedings were initiated against 114 aliens, 844 aliens agreed to return to their country of origin, 13 were presented for prosecution for illegal reentry, and INS placed detainees on an additional 964 aliens.

the single fingerprint as an identifier to retrieve the proper case information related to an individual.

According to INS officials, IDENT workstations equipped with computerized devices to capture fingerprint images will be installed throughout INS by 1999. As these workstations are deployed, INS staff will begin to develop the IDENT database by scanning and storing fingerprint images when individuals are first processed for either enforcement or benefit purposes. In all subsequent encounters, INS plans to check these individuals' fingerprints against its fingerprint database to verify identity. INS officials told us IDENT is designed to support (1) criminal alien lookout checks for all enforcement arrests, (2) verification and authentication of benefit applicants, (3) prevention of recidivism (repeated illegal entry into the country), (4) trend analysis of border apprehensions, and (5) identification and verification of holders of INS-issued identification cards. INS estimates that, over the next few years of operation, IDENT's automated fingerprint database will contain up to 1.5 million recidivists, 450,000 criminal aliens, and 25 million benefit applicants.

The preliminary IDENT 3-year implementation schedule calls for IDENT to be installed in INS' southwest border sites by the end of calendar year 1995, in INS' district offices and the four service centers by the end of 1996, and in the major ports of entry by the end of 1997. Therefore, IDENT should be deployed to most existing INS locations nationwide by 1997. In fiscal years 1998 and 1999, IDENT will be deployed to certain remaining INS locations yet to be determined.

INS began a field test in San Diego, California, in October 1994 to evaluate the speed and accuracy of fingerprint technology in identifying aliens who repeatedly enter the country illegally. According to an INS official, as of June 13, 1995, prints associated with 310,261 apprehensions at the California border had been registered in a fingerprint database. An analysis of the fingerprints showed that about one-third were repeat offenders. According to an INS official, the fingerprint technology tested required an average of less than 2 minutes to determine whether the fingerprints of an individual apprehended matched any of those registered in the database.

According to an INS official, fingerprint information from paper files of 1,870 identified criminal aliens in INS' databases had been added to the fingerprint database as of June 1995. Using this system in the San Diego area, 41 previously deported criminal aliens had been identified and

detained. Fingerprint information for an additional 20,254 criminal aliens was to be added to the criminal alien data set by August 1, 1995.

INS plans to spend \$28 million to develop and begin deploying this system servicewide in calendar year 1995. INS estimates continued development and deployment costs between 1995 and 1999 at about \$50 million and \$8 million annually for subsequent centralized maintenance of the automated fingerprint database.

If IDENT is implemented as planned, it will provide a unique identifier for all aliens added to INS' CIS, DACS, and NAILS databases after fiscal year 1997. If this information can be made available to LEAS, INS can issue detainers for those arrested individuals who have a positive fingerprint match without having to conduct personal interviews. At the time of our review, however, no strategy had been adopted to facilitate this exchange of information.

IDENT will not include the 20 million noncriminal aliens in INS' CIS database before the start of the project, except for those who subsequently come into contact with INS for enforcement or benefit processing purposes. These individuals include naturalized citizens and legal permanent residents.¹¹ Nor will IDENT include fingerprints of aliens in the Nonimmigrant Information System (NIIS) or the Student and Schools System (STSC), which together included about 22 million aliens in 1993.

Statewide Project Adds INS Criminal Alien Information to LEA Databases

In September 1994, the State of California and INS initiated a program, funded by a \$250,000 federal grant, to enhance California's ability to identify criminal aliens. Under this program INS gives the California Department of Justice (CAL/DOJ) fingerprint cards of criminal aliens deported from California. CAL/DOJ reads INS' fingerprint cards into California's automated fingerprint processing system to compare these fingerprints to those in California's automated fingerprint database.¹² For those for which there is a match, CAL/DOJ places an alert flag in the individual's state criminal history file.¹³ The criminal alien flag states that

¹¹Legal permanent residents are persons to whom INS has granted the benefit to remain in the United States legally for an unspecified period of time.

¹²California's automated fingerprint processing system uses minutia (fingerprint ridge characteristics) matching technology and an image system to provide the user with fingerprints of likely candidates for fingerprint comparisons. Fingerprint specialists compare the fingerprints of the likely candidates with the fingerprint that has been submitted to conclusively determine whether there is a match.

¹³A state criminal history file is established for each offender booked into a California facility. California's Criminal History System contains California arrests and convictions information on offenders.

the person has been previously deported and directs the LEA to contact INS at a central telephone number, which has operators on duty 24 hours a day, 7 days a week.

In California, many individuals deported as criminal aliens reenter the country illegally after deportation and become repeat offenders. When they are rearrested in California, the LEA, using the established law enforcement procedures, takes fingerprints, accesses the person's California criminal history, sees the flag, and contacts INS. INS has agreed to send a local INS agent to the LEA within 48 hours of being contacted to take custody of the individual. If the underlying offense does not dictate that the subject be prosecuted in California, INS takes the alien into custody for federal prosecution or deportation proceedings. This saves California the costs of custody and prosecution. Based on INS data, CAL/DOJ plans to place an alert flag on the records of approximately 7,000 previously deported criminal aliens during fiscal year 1995. As of June 20, 1995, 5,113 alien alert flags had been entered into California's criminal history system. This program has enabled the LEAs to identify 553 individuals as criminal aliens and report them to INS, who has either taken them into custody or placed a detainer on them.

Although CAL/DOJ is a California initiative, other states can access California's criminal alien information through the Interstate Identification Index.¹⁴ LEAs can query the Interstate Identification Index through the National Crime Information Center (NCIC)¹⁵ to determine whether an arrested individual has an available criminal history record. Thus, LEAs across the nation can access California's criminal histories and, when the criminal history contains a criminal alien flag, identify criminal aliens they have arrested.

Criminal Alien Information in DACS and CIS Is Inaccurate and Incomplete

We found serious problems with the quality of the criminal alien data in INS' Deportable Alien Control System (DACs) and the corresponding Central Index System (CIS) files. First, the electronic files did not contain complete information on the aliases used by criminal aliens. For over 80 percent of the criminal aliens we identified in our statistical sample, the electronic files did not contain a complete listing of the aliases available in the paper

¹⁴The FBI sponsors this system which stores names of offenders for whom criminal histories reside in various state law enforcement systems, and the FBI provides the records for nonmember states.

¹⁵NCIC is the nation's most extensive criminal justice information system and is maintained by the FBI. NCIC—established as a service to all local, state, and federal criminal justice agencies—stores vast amounts of information, such as criminal history data and foreign fugitive data, which can be instantly retrieved and furnished through an NCIC terminal at any authorized agency.

files.¹⁶ For example, one individual in our sample had 24 aliases listed in the paper file but none was recorded in the corresponding DACS and CIS electronic files. Consequently, an electronic search using one of those aliases would not locate that person's file, resulting in a response that no record existed for the alien.

Second, 22 percent of the DACS electronic files in our statistical sample contained either misspelled names, incorrect order of names, or incorrect nationality. Based on these results, such errors are projected to occur in about 22,000 of the over 101,000 electronic files for criminal aliens in our DACS test population.¹⁷ Consequently, LESC searches using the correct spelling, order of names, and nationality may not locate the alien electronic file.

Third, the FBI number—which is linked to fingerprints and uniquely identifies persons previously arrested for serious offenses—was missing from the CIS files for most of the criminal aliens in our sample. The FBI number was in the paper files for 290 of the criminal aliens in our statistical sample but was missing from 216 (74 percent) of the corresponding CIS files.

Fourth, INS did not have both electronic and paper files for all individuals. For the 410 criminal aliens in our statistical sample of criminal aliens recorded in DACS, 27 of the corresponding paper files could not be located. Since the paper files are used to verify the accuracy and completeness of the data in the electronic files, the data in these files could not be verified. Nor could the investigator consult these paper files to conclusively identify these aliens. In addition, electronic files alone will not support deportation hearings.

We also found instances where paper files existed, but electronic files did not. We selected a judgmental sample of 400 paper case files of aliens for whom deportation proceedings had begun or had been completed and attempted to find a corresponding electronic file in DACS. There were no corresponding electronic DACS files for 77 (19 percent) of the 400 paper case files we selected. As a result, a query of DACS would not identify these

¹⁶The range of our confidence interval, at a 95-percent confidence level, is that the actual percentage of DACS electronic files that did not include all aliases listed in the paper files was between 77 percent and 85 percent; while the corresponding CIS electronic files did not include all aliases between 79 percent and 87 percent of the time.

¹⁷The range of our confidence interval, at a 95-percent confidence level, is that the actual number of DACS electronic files that did not match the paper files for name and nationality was between 17,889 and 26,493.

77 individuals as aliens who had been deported or were under deportation proceedings for a criminal offense.

Of the 323 DACS electronic files we did find for our sample of paper files, our review of the paper files showed that 175 of the electronic files should have contained alert codes¹⁸ designating individuals who had been convicted of criminal activity.¹⁹ Because 72, or 41 percent, of the 175 electronic files did not have the alert code, a query of DACS would not inform INS staff that these individuals were criminal aliens and thus subject to deportation. The missing alert codes also prevent INS from knowing the total number of criminal aliens in its database.

In oral comments on this report, INS officials acknowledged that keying errors do occur when information from manually prepared enforcement forms is entered into DACS. They stated that in the future, rather than preparing a paper form, this information will be entered into the planned Enforcement Case Tracking System (ENFORCE) Phase I and downloaded to DACS, thus eliminating the need for duplicate data entry and any resulting key-entry errors. The ENFORCE Phase I is currently being prototyped in the McAllen, Texas, and San Diego, California, Sectors and the Philadelphia District; the interface will be tested in New York. According to the Assistant Commissioner, Data Systems Division, ENFORCE Phase I (and the DACS interface feature) will be implemented in New York, Texas, California, Florida, and Illinois after it is successfully prototyped and tested.

INS officials acknowledged that they do not have servicewide procedures directing staff to update the electronic files with critical new information received after the file has been established—such as the FBI number or information on aliases. In addition, INS did not have procedures for ensuring that data are entered correctly and completely.

INS officials stated that they had begun taking action to improve data reliability. In April and June 1995, memoranda were issued to all Regional Directors and the Director of International Affairs requiring them to establish a method that will ensure timely input of data into DACS and specifying the data elements that were to be tracked. However, these memoranda did not contain specific procedures for ensuring data

¹⁸These codes identify the type of alert that applies to the alien, for example, aggravated felon, criminal, or narcotics.

¹⁹INS does not classify illegal aliens who have not been convicted of crimes committed in the United States as criminal aliens.

accuracy and completeness, nor did they provide for an independent verification to ensure that such procedures are followed.

Conclusions

Identifying individuals arrested for aggravated felonies as aliens is critical to joint INS and LEA efforts to prevent the release of these individuals before INS can take action. LESC is an attempt to provide this identification capability; however, this approach is inherently limited by the existing name-based systems that it depends upon. Until INS successfully implements a system that identifies individuals based on biometric information, INS' ability to make timely identification of arrested individuals as aliens will continue to be limited. INS' planned move to the IDENT automated fingerprint database is intended to address the need for an improved identification method for individuals who will be processed for either enforcement or benefit purposes.

Further, accurate and complete criminal alien data in INS' DACS and CIS databases are essential. Unless INS' data reliability problems are resolved, INS risks making decisions based on inaccurate and incomplete information.

Recommendations

In view of the limitations inherent in name-based databases, we recommend that the Attorney General direct the Commissioner of INS to take the following actions before deciding whether to expand LESC nationwide.

- Assess whether the information generated by LESC's electronic searches justifies the expense and level of resources required to expand and maintain a nationwide facility.
- Determine whether any other alternative would be more effective and efficient than LESC in helping identify which arrested individuals are aliens.

To improve the reliability of the criminal alien data in DACS, and the corresponding electronic files in CIS, we recommend that the Attorney General direct the INS Commissioner to develop procedures that will ensure data reliability for both DACS and CIS. At a minimum, these procedures should ensure that

- electronic files are created for all known criminal aliens;

- all criminal alien information—including name, date of birth, nationality, and aliases used—is entered into the electronic files accurately and completely;
- alert codes are included in all criminal alien electronic files; and
- the Regional Directors and the Director of International Affairs are directed to take appropriate actions to ensure that all paper files supporting the criminal alien electronic files are located or, if necessary, reconstructed.

Finally, after these procedures are implemented, we recommend that the Attorney General direct the Commissioner to develop a strategy to independently verify that the procedures are followed and that data reliability is improved.

Agency Comments

We discussed a draft of this report with INS' Associate Commissioner for Enforcement, the Assistant Commissioner for Investigations, and the Assistant Commissioner for Data Systems Division. While these officials agreed with most of our findings and recommendations, they took issue with several points. First, the Associate Commissioner for Enforcement stated that we had misinterpreted the legislative mandate for INS contained in the Anti-Drug Abuse Act of 1988 by stating that INS was required to immediately identify aliens arrested for aggravated felonies. He stated that under the congressional mandate, INS is only required to provide—on a 24-hour basis—federal, state, and local criminal justice entities with all available information it has on suspected aggravated felons at the time of their reported arrest with follow-up action to confirm identity and alien status in the course of the criminal justice process.

We believe INS has misstated the content of our draft. We agree that the congressional mandate does not require INS to immediately determine whether arrested persons are aliens. Our draft stated only that INS is limited in its ability to take appropriate enforcement action against aliens who are arrested for aggravated felonies because of the lengthy time required by LESC to conduct the electronic search and by an INS investigator to conclusively identify the arrested individual as an alien. To more precisely reflect the language in the law, we have clarified the section of the report concerning INS' legislative mandate.

Second, the Associate Commissioner for Enforcement expressed concern that the report repeatedly suggested that the LESC approach was flawed because of its use of name-based methodology and that the report failed to

note that almost all law enforcement systems, including the FBI's NCIC, presently operate in this manner. Our report does point out that INS' existing name-based databases limit LESC's ability to make timely determinations of whether arrested persons are aliens. INS itself has acknowledged these same limitations and is, for this reason, developing IDENT, a fingerprint-based identification system to provide quick, accurate identification of individuals who will be processed for either enforcement or benefit purposes. While NCIC does provide for name searches, it differs from INS databases by relying on fingerprint-based information to establish case files. This reduces the risk—that INS still faces—of creating multiple files on an individual.

INS officials disagreed with our recommendation regarding the evaluation of the LESC pilot. They stated that we did not need to recommend that INS include an evaluation of alternatives and the advisability of expanding LESC nationwide in its final evaluation because these factors are already part of their planned evaluation document. The officials, however, declined to provide a copy of this document until it is approved by the Department of Justice.

Finally, in reference to our recommendation on data quality, INS officials stated that steps have been taken to improve the accuracy and completeness of the information in DACS and that these steps were not reflected in the report. We have modified the report to reflect that INS (1) plans to deploy an electronic interface to reduce keying errors and (2) has instructed its field officials to establish a method of timely and consistent input of data. However, since INS has not established specific procedures for ensuring that data in DACS and CIS are accurate and complete, we have revised the recommendation to state that INS should develop a strategy to independently verify that procedures are followed and data reliability is improved.

We are providing copies of this report to the Attorney General; Commissioner of INS; the Director, Office of Management and Budget; and other interested parties. Copies will also be made available to others upon request.

Major contributors to this report are listed in appendix III. Please contact me on (202) 512-7487 if you need any additional information or have any further questions concerning this report.

Sincerely yours,

A handwritten signature in cursive script that reads "Linda D. Koontz".

Linda D. Koontz
Associate Director, Information Resource
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Abbreviations

CAL	California
CAL/DOJ	California Department of Justice
CIS	Central Index System
DACS	Deportable Alien Control System
DOJ	Department of Justice
ENFORCE	Enforcement Case Tracking System
FBI	Federal Bureau of Investigation
IDENT	INS Identification System
IIR	Institute for Intergovernmental Research
IRM	information resource management
INS	Immigration and Naturalization Service
LEA	law enforcement agency
LESC	Law Enforcement Support Center
NAILS	National Automated Immigration Lookout System
NCIC	National Crime Information Center
NIIS	Nonimmigrant Information System
NLETS	National Law Enforcement Telecommunications System
STSC	Student and Schools System

INS Databases Queried by LESC

Central Index System (CIS)

CIS is a centralized, computer-based information system that serves as the heart of INS mission support, in both service benefits and law enforcement. The Central Index contains data on lawful permanent residents, naturalized citizens, violators of immigration laws, aliens with Employment Authorization Document information, and others for whom the Service has opened alien files or in whom it has a special interest. Each physical file with a corresponding electronic file in DACS should have an electronic file in CIS.

The major search keys for CIS are A-number and Name. Variations of the Name Search are provided by allowing a direct search using Exact Name or a Sounds-like (Soundex) search using a similar-sounding name or alias name. Additionally, the Name Searches allow other identifying information as secondary search criteria, such as Date of Birth, Country of Birth, and Files Control Office; Date of Birth is the most often used secondary search criteria.

Deportable Alien Control System (DACS)

DACS supports INS' enforcement activities. It provides information on the status and disposition of deportation cases and on the statistics and summary data representing cases by status type and other activities. DACS captures deportation data; tracks aliens who are arrested, detained, or formally removed from the country; produces deportation reports; and makes the information accessible on-line to deportation officers and other INS users. DACS maintains information on aliens detained by INS and reports on detention activity.

National Automated Immigration Lookout System II (NAILS II)

NAILS II is a lookout enforcement system that contains information about persons of interest to INS for law enforcement purposes. It expedites the determination of traveller admissibility into the United States at the various ports of entry and identifies individuals who are suspected of illegal activities. NAILS II is used by inspectors at various ports of entry throughout the country.

Nonimmigrant Information System (NIIS)

NIIS contains arrival, departure, and ancillary information pertaining to nonimmigrant aliens entering the United States. It contains data on the individual's status, identifies individuals who may have overstayed, and provides statistical information to INS managers. It provides for queries based on biographical, classification, and citizenship data. There are no physical files to complement the NIIS electronic file.

Student and Schools System (STSC)

STSC is the primary vehicle for identifying, locating, and determining the status or benefits eligibility of nonimmigrant students and their dependents. The data in STSC includes requests for extensions, change of status, transfers, and employment authorization. It also maintains records on approved schools, school officials, and current or past violations.

Scope and Methodology

To determine the type of information provided to requesters in responses from LESC, we performed test queries at both LESC in Burlington, Vermont, and the Phoenix Police Department in Phoenix, Arizona. In addition, we reviewed over 300 LESC responses sent to LEAS for November and December 1994.

We interviewed senior managers and IRM officials at INS headquarters to discuss criminal alien information and initiatives underway to address existing problems with identifying aliens. We also reviewed documentation pertaining to two initiatives—an INS identification system and a project between INS and the California Department of Justice. We did not perform an in-depth review of these initiatives to assess such issues as feasibility of implementation schedules, cost-effectiveness, and appropriateness in meeting mission needs. We interviewed the Director of LESC, special agents assigned to LESC, and police officers in the Phoenix Police Department to discuss the operations at LESC. In addition, we interviewed FBI officials to discuss their Integrated Automated Fingerprint Identification System and the FBI fingerprinting process.

We tested the accuracy and completeness of criminal alien information in INS' Deportable Alien Control System (DACS)—the repository for information on identified criminal aliens—by comparing source documents in the paper case file to the information in DACS' electronic file. Our statistical sample of case files for 410 individuals was selected from DACS, which had electronic files for 959,349 individuals who were or had been in deportation proceedings as of May 20, 1994. Of those, we included for testing only those that had a criminal record in the electronic file, 136,744 individuals. We then scoped this universe to 17 INS locations representing 79 percent of the population of individuals with criminal records recorded in DACS, or 108,502 individuals. We also obtained the corresponding CIS electronic files for the 410 individuals in our sample and compared them to the paper case files and to the DACS electronic files. In addition, at 16 of the locations where we performed paper case file reviews, we judgmentally selected an additional 400 physical case files—25 at each location—and determined if there was a corresponding electronic file in DACS.

For our statistical sample, the sampling method used allowed us to estimate, at a 95-percent confidence level, the (1) instances of inaccurate recording of aliases, (2) the number of files without the FBI number, (3) the number of errors in names or nationality, and (4) the number of paper case files that could not be located.

Our projections are expressed as point estimates that fall within confidence intervals. This means that if you were to determine an estimate for 100 different random samples of the same size from this population, the estimate would fall within the confidence interval 95 out of 100 times. In other words, the true value is between the lower and upper limits of the confidence interval 95 percent of the time.

Our case file reviews were performed at the following INS district offices: Chicago, Illinois; Los Angeles, San Francisco, and San Diego, California; Phoenix, Arizona; San Antonio, El Paso, and Houston, Texas; Miami, Florida; New York City, New York; Denver, Colorado; New Orleans, Louisiana; Newark, New Jersey; and Arlington, Virginia. Additional locations included the Varick, New York; El Centro, California; Florence, Arizona; San Pedro, California; and El Paso, Texas, Service Processing Centers. We also performed reviews at the federal prison in Oakdale, Louisiana.

We reviewed previous GAO reports pertinent to the Criminal Alien Program, as well as reports of the Justice Office of the Inspector General pertinent to fingerprint requirements and the National Automated Immigration Lookout System II.

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