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2021

The Shortcomings of the Risk Classification Assessment Tool of the U.S. Immigration Customs and Enforcement

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The Shortcomings of the Risk Classification Assessment (RCA)Tool of the U.S. Immigration Customs and Enforcement

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BACKGROUND

RCA Tool (est. 2013)

- ICE's automated algorithm
- Determines an immigrant's threat to public safety and risk of flight
- Recommends if an immigrant should be held in custody
- Suggestions can be overridden by ICE supervisors
- 97% of immigrants deemed low risk were detained (2019)
- About 50,000 adult immigrants held daily in detention (2019)

METHODS

1. Analyzed results of the RCA FOIA release
2. Examined lawsuits against ICE's RCA, scholarly literature, immigrant testimonies, and news articles

FINDINGS

- Drastic rise in number of immigrants detained
- Caused unjustified incarceration
- RCA lacks transparency, standardization, and lawfulness

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Over time, the RCA algorithm has been **manipulated** to **adversely** affect an immigrant's status outcome**,** **increasing** the number of those **detained**

Process Using RCA TOOL

Based upon the Findings of Koulish and Evans "Manipulating Risk"

1. SPECIAL VUNERABILITIES	2. MANDATORY DETENTION FACTORS
3. RISK TO PUBLIC SAFETY	4. RISK OF FLIGHT
5. DETAIN/ RELEASE RECOMENDATION	6. SUPERVISORY REVIEW

GLIMPSE INTO THE RCA'S ITERATION PERIODS

Found by Results of FOIA request– Made Public in Koulish and Evans "Manipulating Risk"

2012-2014 ➡ 2014-2015

- Offenses raised from low to moderate risk
- Maximum public safety risk score decreased

  Result: More individuals detained and received medium and high risk recommendation

2014-2015 ➡ 2015-2016

- Initiation of a new offense severity level
- New Special Public Safety Factor

Result: Detention without bond as a common recommendation

2015-2016 ➡ 2017-TBD

- Eradicated release option
- Severely challenging for low-risk detained individual to leave detention

Result: The rate of those detained without criminal history tripled

REFERENCES

Robert Koulish, Mark Noferi, Kate Evans, Ernesto Calvo, Estefania McCarroll