

Exhibit 10

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release. Absent extraordinary circumstances, eligible aliens should be enrolled into some form of the ATD program. ICE evaluates the potential participant's unique situation and assigns him or her to the appropriate level of monitoring on a case-by-case basis. Each AOR should strive to maintain consistency with initial enrollments into the ATD program.

A. Program Eligibility

Adults 18 years of age or older may be eligible for placement into the ATD program if:

- They are currently in removal proceedings, and
- Upon the issuance of a final order of removal, they have a Significant Likelihood of Removal in the Foreseeable Future (SLRFF).

Note: If a juvenile reaches age 18 and is currently in removal proceedings, the CS or ATD officer evaluates the individual under the same procedures as all other adult participants.

B. Program Ineligibility

Unless authorized by the FOD or Headquarters ATD Unit, do not enroll an alien if any of the following applies:

- There is no SLRFF, such as in the cases of participants who were denied travel documents by their country of citizenship and have no alternative means of removal;
- The immigration court has imposed conditions of release that do not include ATD, absent a significant change in circumstances that justifies a custody redetermination; or
- The alien is under the age of 18.

a) Special requests

Occasionally, the FOD, Headquarters, or another law enforcement entity refers an otherwise ineligible individual for enrollment in the ATD Program based on special circumstances and the exercise of discretion. Coordinate such cases through the local ATD Monitoring Officer (AMO) or Headquarters ATD Unit.

C. Identifying Potential Participants

The ATD officer may proactively screen the detained docket, non-detained docket, and the court calendar for potential participants for the ATD Program. Although the discretion to enroll an alien into the ATD Program ultimately lies with the field, aliens who have complied with previous conditions of release under an Order of Release on

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Recognizance (OREC) or an Order of Supervision (OSUP) should not normally be considered for enrollment unless there is a change in circumstances.

However, if the ATD officer determines that an alien's circumstances (e.g., stage of legal proceedings, compliance with conditions of release, new criminal charges, etc.) have changed since his or her initial release, it may then be reasonable to consider ATD enrollment.

Expect ATD referrals from several offices within ERO, including the Criminal Alien Program, Violent Criminal Alien Section, Fugitive Operations, and Headquarters. Referrals may also come from Homeland Security Investigations, U.S. Citizenship and Immigration Services, and other Federal, State, and local law enforcement agencies. Cultivating constructive working relationships with sources of referrals will help to identify aliens whose detention may not be appropriate because of humanitarian considerations, childcare concerns, or significant health issues.

In all cases, the ATD officer makes the final decision whether or not to enroll a referred individual into the ATD Program. After interviewing and assessing a referred individual, the ATD officer may determine that the individual is not suitable for the ATD Program. ATD officers are not obliged to accept a referred case. The ATD officer may also recommend that the alien participates in a different program. ATD officers consider all applicable guidance regarding the enrollment of individuals into the ATD Program.

III. Enrollment Process

Prior to accepting a participant into the ATD Program, the ATD officer works with the referral source to help the participant understand the requirements of the ATD Program.

A. Documentation

Before accepting a referral from another program, the ATD officer verifies that the potential participant was fully processed and that his or her A-file includes the appropriate paperwork.

When enrolling a participant into the ATD Program, the ATD officer completes the following forms:

- *ATD Program Participant Agreement (T site only)*
- *ATD Program Participant Worksheet (ICE Form 71-015)*
- *I-229(a), Warning for Failure to Depart*
- *I-229(b), Warning for Failure to Comply with Terms of Supervised Release*
- *EOIR-830, Notice to EOIR: Alien Address (if applicable)*

~~LAW ENFORCEMENT SENSITIVE – FOR OFFICIAL USE ONLY~~**B. Recurring Case Management**

ATD officers use (b)(7)(E) to track all participants in the ATD Program and conduct regular updates. Such updates are generally to the following (b)(7)(E) sections:

(b)(7)(E)

Additionally, each ATD officer assigned to a participant's case in (b)(7)(E)

- Determines compliance based upon adherence to individual requirements of the participant;
- Reviews any negative information from all local, state, and federal enforcement authorities; and
- Reviews any relevant information provided by the contractor through TotalAccess or via e-mail or phone.

The ATD officer uses this review along with information about the participant's immigration case to determine whether the level of supervision should be:

- Escalated
- De-escalated
- Continued
- Terminated from the ATD Program

In all cases, the ATD officer uses a monitoring continuum established at the discretion of the local AOR to allow for gradual changes in monitoring. The ATD officer uses the established continuum unless individual circumstances require deviation. The continuum guides the officer managing the case in determining the appropriate amount of intervals of supervision. The ATD officer annotates in (b)(7)(E) any updates to the participant's immigration case or his or her involvement with the ATD Program as a condition of release. The ATD officer sends all applicable forms to the contractor promptly.

C. Multi-Aspect Removal Verification Initiative (MARVIN)

MARVIN is the ATD Program's implementation of a high-low-high supervision model in which the participant is assigned to the most appropriate level of supervision and technology based upon a multitude of factors. The high-low-high supervision model begins monitoring at the intensive level to establish and determine compliance (high),

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then de-escalates to a lower level as compliance is established and maintained (low), and then, depending on the participant's individual circumstances, monitoring may be re-escalated to ensure compliance with immigration proceedings and removal (high). Compliant participants receive reduced monitoring and technology. Higher risk participants are assigned to more stringent reporting.

MARVIN is based upon factors that include, but are not limited to:

- Current immigration status;
- Criminal history;
- Compliance history;
- Community or family ties;
- Caregiver or provider concerns; and
- Other humanitarian conditions.

V. ATD Program Violations

In the event that a participant does not comply with his or her conditions of release or program rules, the ATD officer first thoroughly reviews the violation to understand the circumstances that led to it. Following this review, the ATD officer considers:

- Giving the participant a warning and documenting the warning in the participant's working file and EARM;
- Changing the participant's reporting frequency;
- Changing the type of technology to which the participant is assigned;
- Arresting and taking the participant into custody, or changing custody conditions; and/or
- Pursuing a referral for prosecution under 8 U.S.C. § 1253(b).

In all cases, the ATD officer allows the participant an opportunity to explain how or why the violation occurred and to present supporting documentation, if available.

Note: If the participant does not speak or understand English, the ATD officer provides access to interpreter services, as necessary. If the participant cannot write or has a disability that prevents him or her from completing a document, the ATD officer provides assistance to allow the participant to effectively communicate his or her request.²

ATD officers review written requests for reconsideration for inclusion of the following pertinent information:

- Participant's name and A-number;

² For questions related to effective communication for participants with a disability, contact the ERO Disability Access Coordinator in the Custody Management Division at (b)(7)(E) @ice.dhs.gov.

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- Current stage in immigration proceedings;
- Current level of monitoring; and
- An explanation of why the enhanced technology or reporting requirements seems unwarranted, along with supporting documentation (if any).

ATD officers exercise discretion when assessing consequences for program violations by participants with humanitarian considerations. The ATD officer considers all instances of noncompliance with program rules and conditions of enrollment, but leniency may be justified in certain circumstances. If, based on the circumstances of the case and the evidence submitted, the ATD officer finds no violation, or that the participant's conduct was justified, the officer should not change the technology or reporting requirements.

If the ATD officer elects to adjust case management levels or change technology assignment and the participant objects, the participant may request reconsideration by the ATD supervisor. The ATD officer notifies the participant of the process for requesting reconsideration.

If the ATD supervisor determines that the participant violated program rules or conditions of release, he or she evaluates the totality of the circumstances before deciding whether to proceed with changes to the participant's enrollment. Following this evaluation, the ATD supervisor may:

- Change the technology to which the participant is assigned;
- Heighten the level of supervision;
- Detain the participant; or
- If the violation was willful, consider referral for prosecution under 8 U.S.C. § 1253(b).

Note: ATD officers and supervisors adhere to all standard non-detained or detained policies and procedures during escalation or de-escalation.

A. Identifying ATD Program Violations

ATD violations are usually identified by:

- Computer-based alerts;
- Case reviews; and
- Contractor emergency/incident reports.

Alerts maintain the integrity of the ATD program and help enforce the release conditions. When anticipating an encounter or receiving notification of a violation, the ATD officer conducts record checks, identifies alerts, and responds to the alerts.

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Responses to alerts may include, but are not limited to:

- Alert review (this may or may not include accessing the contractor database);
- Contacting the monitoring center;
- Communicating with the local contractor (via email, text, or phone);
- Surveillance; and/or
- Immediate field response.

After hours, responses to alerts are automated from the monitoring center or from the local contractor's office. Each AOR determines its own methods and procedures for alert management, including any operational guidance to ATD officers directly involved in the ATD program on a daily basis.

Any immediate field response should occur within prescribed hours (0600-2200) unless otherwise approved by the FOD. Additionally, any field response should be conducted only after safety precautions and field enforcement protocols are established. The contractor documents its responses to alerts in their database. The ATD officer documents his or her actions in (b)(7)(E) Communication through proper channels between the contractor and the AOR is imperative to prevent redundancy and inefficiency.

Note: For specific alert resolution steps performed by the contractor, please refer to attachment 6 in the ISAP III contract.

Once the ATD officer determines the alert is a violation, the officer exercises discretion in assigning consequences in accordance with the guidance outlined above.

After evaluating the nature of the program violation and exercising discretion in warning the participant and/or imposing consequences, the ATD officer takes the following steps:

1. Run record checks (b)(7)(E)
2. Update (b)(7)(E)
 - Note the incident and the steps taken;
 - If an intermediate or major infraction, indicate the change in reporting or technology and complete a change of status form; and
3. If a case termination, submit the completed ATD termination sheet to the contractor and place a copy in the A-file.

B. Post-Arrest Procedures for ATD Violators

After arresting an ATD Program violator, the ATD officer:

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1. Processes the participant in (b)(7)(E)
2. Processes the participant in (b)(7)(E) (fingerprint, search, enroll, book).
3. Conducts a Risk Classification Assessment (RCA).
4. Updates (b)(7)(E) and the (b)(7)(E)
5. Serves the participant with applicable documents, including:
 - I-286, Notice of Custody Determination;
 - I-200, Warrant of Arrest; and
 - I-830, Notice to EOIR: Alien Address.

(b)(7)(E)

(b)(7)(E)

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(b)(7)(E)



D. Prosecution

If a participant willfully failed to depart or to comply with the conditions of release, the ATD officer considers referring the participant for prosecution under 8 U.S.C. § 1253(a) (failure to depart) or § 1253(b) (willful failure to comply with terms of release under supervision). Penalties for failure to depart under § 1253(a) include a fine under Title 18, or imprisonment for not more than four years. Penalties for willful failure to comply under § 1253(b) include a fine of not more than \$1,000, imprisonment for not more than one year, or both. ATD officers should consult with their local Office of Chief Counsel and/or U.S. Attorney's Office regarding these and possible additional charges.

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VI. Reconsideration of ATD Participation

By signing the I-220A or I-220B and the ATD Program Participant Agreement, which specify conditions of enrollment and participation and requirements for release, the participant acknowledges his or her understanding of these conditions.

A participant objecting to the conditions of release has three options. The ATD officer is responsible for adequately informing the participant of these options.

Note: If the participant does not speak or understand English, provide access to interpreter services, as necessary. If the participant cannot write or has a disability that prevents him or her from completing a document, the ATD officer provides assistance to allow the participant to effectively communicate his or her request (see Footnote 3, page 14, for additional information about participants with disabilities).

Option 1: Within seven calendar days of release from custody, the participant may file with EOIR an application for amelioration of the terms of release (see 8 C.F.R. § 236.1(d); *Matter of Garcia-Garcia*, 25 I. & N. Dec. 93 (BIA 2009)).

A participant who wishes to pursue this option should consider seeking the advice of an immigration attorney. A list of free legal service providers is available online. The participant may also request the list from the ATD officer or the CS.

Option 2: The participant may submit a written request for reconsideration of the reporting or monitoring requirements to the ATD officer. The request should include the participant's name; A-number; stage in immigration proceedings; the level of monitoring; and why reconsideration seems appropriate, along with documentation, if any, supporting the request. A C or G site participant submits the request through his or her CS to the ATD officer. A T site participant submits it directly to the ATD officer.

Option 3: If more than seven calendar days have elapsed following his or her release from custody, the participant may submit a written request for reconsideration to the ATD supervisor. In the request, the participant includes the participant's name; A-number; stage in immigration proceedings; the level of monitoring; and why reconsideration seems appropriate, along with documentation, if any, supporting the request. A C or G site participant submits the request through his or her CS. A T site participant submits it through the ATD officer.

When ATD officers receive written requests for reconsideration, they document receipt of these requests in (b)(7)(E) Documentation includes the date and time the request was forwarded to the ATD supervisor (if applicable). The ATD officer, the ATD supervisor, the FOD, or the FOD's designee then thoroughly reviews the circumstances as

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described by the participant in the request. Within two business days of receipt, the ATD officer, the ATD supervisor, the FOD, or the FOD's designee provides the participant with a written response to his or her request, including an explanation of the decision to grant or deny the request.

Note: If the participant cannot read or understand English, provide an interpretation service, as necessary, to explain the response orally.

VII. Termination from the ATD Program

Once it is determined that the participant is no longer required to participate in any component of the program, the ATD officer performs the following steps to update the record and remove the participant from ATD enrollment.

A. All Participants

In order to check that the circumstances have not changed since the decision to terminate participation, the ATD officer first runs system checks (b)(7)(E)

(b)(7)(E)

Simultaneously, the ATD officer coordinates any discretionary decision to terminate a participant from the ATD program through the local ATD Monitoring Officer (AMO) or Headquarters ATD Unit.

Next, before transferring the case, the ATD officer updates all applicable sections of (b)(7)(E) for all terminations, including:

(b)(7)(E)

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The ATD officer also updates the National File Tracking System (NFTS) to route the A-file to the appropriate location.

If the case involves a fugitive alien, the ATD officer notifies the local Fugitive Operations Team.

The ATD officer's final steps depend on the relevant site type.

a) C, G Sites

For C or G site cases, in addition to the actions described under "All Participants" (above), the ATD officer submits to the contractor the completed "Notice to Terminate ATD Participation," including the participant's termination code and sub-category, as applicable.

b) T Sites

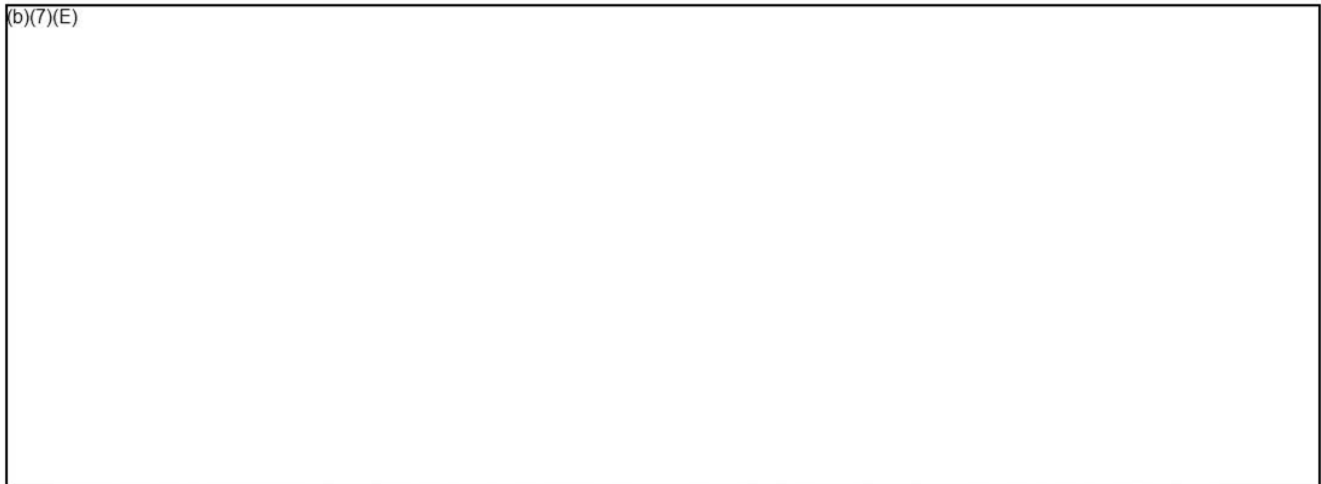
For T site cases, in addition to the actions described under "All Participants" (above), the ATD officer terminates the participant from the applicable contractor monitoring database. If the GPS unit is not recovered, the ATD officer notifies the contractor.

c) S Sites

For S site cases, in addition to the actions described under "All Participants" (above), the ATD officer who is monitoring the case from the S site to their destination contacts the AOR of the participant's last known location in an effort to locate the participant and GPS unit. That ATD officer also terminates the participant from the applicable contractor monitoring database. The ATD officer then notifies the AMO responsible for the S site regarding the termination. If the GPS unit is not recovered, the ATD officer monitoring the case notifies the contractor.

B. ATD Absconders

(b)(7)(E)



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(b)(7)(E)

b) Post-Order

For Post-Order participants who have absconded, the ATD officers:

1. Update (b)(7)(E)

(b)(7)(E)

2. Coordinate with the local enforcement team on current policy and procedures for arrest.
3. Route the physical A-file, including the following documentation (if available):
 - I-205, Warrant of Removal;
 - FD-249, Fingerprint Card;
 - I-213, Record of Deportable/Inadmissible Alien;
 - I-217, Information for Travel Document; and
 - A photograph.

VIII. Grievance Procedures

Note: If the participant does not speak or understand English, provide access to interpretation services, as necessary (see Footnote 1, page 10, for additional information). If the participant cannot write or has a disability that prevents him or her from completing written documentation, the ATD officer provides assistance to allow for the participant to effectively communicate of his or her request (see Footnote 2, page 13, for additional information about participants with disabilities).

1. During the ATD Program enrollment process, the ATD officer informs the participant of the procedures for filing a grievance if a contractor acts inappropriately.

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2. To report a contractor grievance³, the participant:
 - 1) Requests an appointment with an ATD officer;
 - 2) Documents the inappropriate behavior or treatment. In the documentation, include the participant's name and A-number; name of the case specialist; date(s), time(s), and location(s) of the inappropriate behavior; and details of what occurred; and
 - 3) Where applicable, presents the documentation for discussion with the ATD officer at the meeting.
3. When an ATD officer receives a request for a meeting to discuss a grievance about a CS, the officer:
 - 1) Schedules an appointment to meet with the participant as soon as possible, and no later than two business days after notification.
 - 2) Advises the participant that his or her attorney or representative may be present.
 - 3) Neither the CS nor the contract program manager may attend the meeting.
 - 4) If the participant has limited English proficiency (LEP), the officer prepares to conduct the meeting in the participant's preferred language, using an approved interpretation service when needed.
 - 5) If the participant has a disability that affects his or her ability to communicate, the officer requests assistance to ensure effective communication with the participant (for example, from a sign language interpreter).
 - 6) At the appointment, review the participant's documentation or statements detailing the inappropriate actions and, in a private setting and a non-adversarial manner, discuss the complaint with the participant.
 - 7) Immediately after the meeting with the participant, the officer notifies the contract program manager about the allegation(s). The program manager should reassign the participant to another CS pending an internal investigation by the contractor.
 - 8) Prepares a written summary for the AMO, including:

³ If ERO receives a contractor grievance through an alternate means of communication (e.g., Detention and Reporting Information Line, ICE Tipline, etc.), ERO will route the grievances to the appropriate field office for review.

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- Participant's A-number
 - Date of notification of the allegations
 - Date of meeting with the participant, including all attendees
 - Details of the allegations, including CS's name and date(s) of the alleged inappropriate behavior and/or treatment
 - Date the contract program manager was notified
 - Actions taken
4. Upon completion of the contractor's internal investigation, the ATD officer notifies the AMO, the Contracting Officer's Representative, and the participant of the outcome of the internal investigation, and updates (b)(7)(E) accordingly.

****Please see the ATD intranet page for any future best practice or policy updates. Please send inquiries to the ATD Unit mailbox.****

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