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Alternatives to Detention Frequently Asked Questions

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Tech and Privacy Questions

+ What data privacy protections are in place for BI SmartLINK®

- All data collected by BI is maintained in its proprietary database, BI TotalAccess®, and is only shared with ICE. Additionally, all communication between the BI SmartLINK® application and BI's servers, and all data stored in the BI TotalAccess® database, is encrypted.
- Data collected by BI SmartLINK® can only be accessed by employees with proper authorization to do so as part of their job duties.
- All data collected from participants is the property of the federal government, and contractual requirements prevent the sale or disclosure of that data.
- More detailed information on BI's privacy policy can be found at: <https://bi.com/bi-smartlink-privacy/>

+ For how long is someone's voiceprint stored when collected through VoiceID?

The ISAP IV contract requires that all collected ISAP participant data, including someone's voiceprint, is maintained for the life of the contract.

+ For how long is data collected through BI SmartLINK® retained?

The ISAP IV contract requires that all collected ISAP participant data is maintained for the life of the contract.

+ Do participants have to pay to use the BI Mobile device?

Participants do not pay for any ISAP services or technology. All costs are paid by the government.

- When a participant updates their address in BI SmartLINK®, what system is that address updated on? Can ICE ERO and OPLA also see this updated address?

The updated address is updated in BI's proprietary case management system, BI TotalAccess®. ICE/ERO has access to view TotalAccess® at any time and these address changes are also communicated to ICE through a manual daily summary report. Work is underway to automate the process of sharing address updates between ISAP and ICE/ERO. No process is currently in place for ISAP to share address updates with OPLA.

+ Does BI SmartLINK® have persistent location tracking capabilities?

- BI SmartLINK® is not capable of persistent tracking when loaded on a participant provided device.
- Mobile SmartLINK® enabled devices issued by BI are technically capable of continuous location monitoring; however, this is not a feature that ICE has elected to use for ISAP participants. Persistent location tracking through SmartLINK® is currently inactive and not in use for any ISAP participant.

+ Has BI SmartLINK®'s facial comparison model been externally audited to ensure that there are no disparate impacts?

- The facial matching engine employed by SmartLINK® was tested by National Institute of Standards and Technology (NIST) and found to have a match rate of 98.5%. The NIST test included a review of 12 million images. The Independent vendor testing conducted by NIST is nearly consistent with BI's performance data that demonstrates less than 1% of all check-ins completed via the BI SmartLINK® application result in an alert for the check-in photo not matching the photos taken during the participant's enrollment. The BI SmartLINK® application uses the most updated version of a facial matching algorithm that limits accuracy differences and disparate impacts when matching images.
- BI does not depend solely on automated matching results. In instances in which BI's system determines that the photo submitted during the check-in process may not match the photos taken during enrollment, these images are reviewed by BI staff or an ICE officer prior to any action being taken. If a manual review of the check-in photo reveals that the individual who submitted the photo is the same person in the enrollment photos, the check-in is passed without any negative consequences to the participant.

+ Can BI SmartLINK® access any other information on participants' own devices such as the camera, microphone, Internet browsing activity...

Can BI SmartLINK® access any other information on participants' own devices such as the camera, microphone, Internet browsing activity, text messages outside the app, etc.?

No. BI SmartLINK® is not capable of accessing any information on ISAP participants' own devices, including stored photos, Internet browsing activity, or text messages outside the app. BI SmartLINK® does enable ISAP participants to utilize features of their own devices strictly for the purpose of using the app, including providing access to the camera and/or microphone of the participant's device when those functions are engaged to interface with the BI SmartLINK® app.

+ How are BI SmartLINK® check-in times and frequencies determined? How does a participant change the time if the case manager doesn't answer the phone?

Check in frequencies are determined by ICE. Requests to change the time window of the specified check-in can be discussed during scheduled office visits or home visits with the assigned Case Specialist, or can be requested via a message sent through the BI SmartLINK® app. If the participant is enrolled in a Contractor (C-site), Government (G-site), or Maintenance (M-site) site, this request will be received by the assigned Case Specialist.

+ Does the BI LOC8 XT have the capability to record audio in addition to relaying audio messages?

No. The BI LOC8XT does not have the capability to record audio or support two-way audio communication. The device has a speaker that plays pre-recorded messages or instructions but does not have the ability to record audio.

- + Who owns and stores data collected through BI SmartLINK®? Is that data ever shared with or sold to third parties? If so, under what circumstances...**

Who owns and stores data collected through BI SmartLINK®? Is that data ever shared with or sold to third parties? If so, under what circumstances and governed by what policies?

All participant data collected by BI is the property of the federal government. No data is shared with or sold to third parties.

- + Are third parties able to track data associated with BI SmartLINK® when a noncitizen uses the app on their personal device? If so, is this done...**

Are third parties able to track data associated with BI SmartLINK® when a noncitizen uses the app on their personal device? If so, is this done with BI's permission? Is BI able to prevent third-party information collection?

No, no data generated by the BI SmartLINK® app or inputted by a participant into the app is available to, or accessible by, third parties. BI does not allow any third-party data collection.

Legal Access Questions

- + Are attorneys allowed to attend check-ins with their clients and speak to BI case specialists? If not, why?**

Yes. Attorneys are allowed to attend all meetings between program participants and their Case Specialists. Per contract requirements, all questions from attorneys are referred to ICE.

+ Can the ATD KYR orientation be shared with stakeholders and the public?

Yes, the ATD ISAP KYR orientation can be shared with stakeholders and the public.

+ In what languages are ATD KYR videos provided? Are additional languages being added?

The pre-recorded version of the KYR video is currently available in English and Spanish. The need for additional languages will be evaluated on an ongoing basis. Additionally, attorneys conducting live KYR presentations also conduct these presentations in other languages whenever possible. For example, in addition to Spanish and English, live presentations have been conducted in Portuguese, Creole, French, and Russian.

+ Do ICE or BI provide legal directories to noncitizens outside of the pro bono list?

BI provides an ICE-approved list of pro bono legal providers in the area. Where other available legal resources exist, this information will be provided to participants as well.

Enrollment, Escalation, and Termination Questions

+ How does ICE decide who is enrolled in ISAP? Is there any kind of risk assessment done?

To be eligible for ATD ISAP, noncitizens must be 18 years of age or older, effectively removable from the U.S., released from DHS custody, and in some stage of the immigration process. ATD ISAP allows for closer monitoring of non-detained noncitizens who are released from DHS custody. The levels of supervision and technology assigned to participants are determined by ATD deportation officers and is based upon criteria that includes, but is not limited to, current immigration status; criminal history; public safety concerns; compliance history; community or family ties; being a caregiver or provider; medical conditions; and other humanitarian factors.

+ Is the status of someone as a rare language speaker considered in ISAP enrollment?

Yes, rare and indigenous languages are considered at evaluation for initial and continued ATD ISAP enrollment.

+ How does ICE determine when participants can be taken off ISAP? Is there a way for advocates to request termination for individuals...

How does ICE determine when participants can be taken off ISAP? Is there a way for advocates to request termination for individuals at low risk of non-compliance?

One of ICE's recommended best practices is to perform compliance reviews every 30 days a participant is enrolled in the ATD ISAP program. Upon completion of these compliance reviews, an ERO ATD officer ensures that a participant has the most appropriate form of case management and supervision. Any questions or concerns regarding a participant's ATD ISAP condition of release can be directed to the local ATD officer managing the case.

+ How long does it take to enroll someone at the S sites and complete the partial orientation?

Enrollment times can vary based on location and a number of different factors, but generally average between 5-10 minutes.

+ How often does ICE assess individual ISAP participants for possible de-escalation?

ICE recommends compliance reviews every 30 days a participant is enrolled in the ATD ISAP program. Upon completion of these compliance reviews, an ERO ATD officer ensures that a participant has the most appropriate form of case management and supervision.

+ In what situations would a noncitizen be kept on a GPS ankle monitor for over a year?

The ATD ISAP program allows for closer monitoring of non-detained noncitizens. The levels of supervision and technology assigned to participants are done by a local ATD ERO officer and is based upon criteria that includes, but is not limited to, current immigration status; criminal history; public safety concerns; compliance history; community or family ties; being a caregiver or provider; medical conditions; and other humanitarian factors. Any questions or concerns regarding a participant's ATD ISAP condition of release can be directed to the local ATD officer managing the case.

Case Management Questions

+ What is the current case load for case specialists?

Approximately 1:125. Case Specialist case load sizes vary based on service and technology options selected by ICE.

+ How much case management work involves assisting participants with obtaining travel documents and/or departure plans?

How much case management work involves assisting participants with obtaining travel documents and/or departure plans? For example, how many participants per site per month?

Case Specialists have frequent case management interactions with ISAP participants regarding all aspects of their cases. Regarding travel documents, Case Specialists will begin working with participants on obtaining a new travel document or renewing an existing travel document almost immediately upon their enrollment into the program. With regards to departure planning, Case Specialists will begin discussing this topic with the participants while their cases are still in proceedings to start preparing them for the possibility of departure. However, departure planning does not begin in earnest until participants receive a decision that requires, they depart the U.S.

+ How do ICE and BI provide community service referrals?

BI staff identify providers in their local communities that provide services that may be beneficial to ISAP participants. When a need is identified, the Case Specialist connects the ISAP participant with a service provider that can best meet that need. During 2022, ISAP made approximately 75,000 referrals

to over 6,200 unique community providers.

+ Do community service referrals include therapy for those who are traumatized?

Yes.

+ Do case specialists have training in LGBTQ issues and treatment?

Yes.

+ How many people are currently enrolled in ECMS?

As of Feb. 4, 2023, there were 784 individuals enrolled in ECMS.

+ Are the six scheduled contacts ECMS all in-person or a mix of virtual, phone, etc.?

They are a mix of virtual, phone, and in-person visits.

+ What are the criteria for placement in ECMS?

All C-site ISAP participants are eligible for placement in ECMS, though this component is generally reserved for participants with pressing needs that require extra time and attention to address. In regard to WSS, all ISAP participants are eligible for classes/information sessions offered by providers,

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as well as a Supplemental Services Evaluation to determine if additional services may be warranted. Following a Supplemental Services Evaluation, the provider submits a treatment plan which requires approval by ICE.

+ If noncitizens do not comply with referrals or case management is there a negative impact on their supervision requirements?

There are no negative consequences for participants who do not utilize a referral or services offered by a provider; participation with these providers is completely voluntary. In reference to case management, noncompliance with conditions of release are reported to ICE.

+ Is ECMS enrollment voluntary?

Yes.

Compliance Questions

+ Is there any recent data comparing compliance rates between field offices and interior offices?

See below FY 2023 through February compliance metrics by area of responsibility.

FY23 through February Compliance Metrics by AOR

AOR	Counts				Rate (%)		
	Success	Failure	Absconder*	Active	Compliant	Failure	Absconde
Atlanta	12,178	384	269	5,129	97.8%	2.2%	1.5
Baltimore	3,295	361	345	3,562	95.0%	5.0%	4.8
Boston	6,391	919	707	10,343	94.8%	5.2%	4.0
Buffalo	367	52	41	704	95.4%	4.6%	3.7
Chicago	6,574	1,052	1,013	15,635	95.5%	4.5%	4.4
Dallas	7,078	226	153	1,775	97.5%	2.5%	1.7
Denver	3,509	480	442	3,213	93.3%	6.7%	6.1
Detroit	3,348	503	427	9,641	96.3%	3.7%	3.2
El Paso	12,659	3,475	2,922	16,913	89.5%	10.5%	8.8
Harlingen	12,278	3,393	3,110	20,497	90.6%	9.4%	8.6
Houston	11,031	278	81	3,206	98.1%	1.9%	0.6
Los Angeles	12,790	1,350	1,202	14,174	95.2%	4.8%	4.2
Miami	24,296	1,035	842	20,625	97.7%	2.3%	1.8
New Orleans	5,648	581	505	4,910	94.8%	5.2%	4.5
New York	18,450	1,042	899	11,503	96.6%	3.4%	2.9
Newark	14,412	1,749	1,151	16,486	94.6%	5.4%	3.5
Philadelphia	735	296	284	9,944	97.3%	2.7%	2.6
Phoenix	13,806	1,591	1,381	19,775	95.5%	4.5%	3.9
Salt Lake City	4,002	425	403	10,972	97.2%	2.8%	2.6
San Antonio	52,497	7,425	6,176	45,091	92.9%	7.1%	5.9

AOR	Counts				Rate (%)		
	Success	Failure	Absconder*	Active	Compliant	Failure	Absconde
San Diego	7,568	1,127	943	11,159	94.3%	5.7%	4.7
San Francisco	6,742	662	350	20,350	97.6%	2.4%	1.3
Seattle	1,534	244	231	7,081	97.2%	2.8%	2.6
St Paul	4,510	335	287	3,232	95.9%	4.1%	3.6
Washington DC	3,209	226	216	5,018	97.3%	2.7%	2.6
Grand Total	248,907	29,211	24,380	290,938	94.9%	5.1%	4.3

Data from BI Inc. Participants Report, 02/28/2023

*Absconder rate is a subset of failure rate

**Compliance rate includes all positive and neutral termination codes and all active participants on the date of the report. All rates are divided by the total number of terminations (success+failure) and the active participants.

+ What percentage of noncitizens are terminated from ISAP prior to their Immigration case's completion? How does ICE measure...

What percentage of noncitizens are terminated from ISAP prior to their Immigration case's completion? How does ICE measure compliance once individuals are disenrolled?

Approximately 90% of participants were terminated from ISAP and migrated to Non-Detained status as a result of Administrative Closure, Program De-Escalation, or Prosecutorial Discretion. Some of these individuals may have had their cases concluded, but the majority were still in removal proceedings.

Compliance is measured based on ATD ISAP program termination codes. Positive and neutral termination codes are considered “compliant”, and that count is divided by the total number of participants terminated from the program summed with the number of active participants in the program on the same date.

+ Does ICE have data on the number of ISAP participants who obtained relief from removal and the number of participants...

Does ICE have data on the number of ISAP participants who obtained relief from removal and the number of participants who departed the US after a final order of removal, or for other reasons?

This information is not readily available at this time.

Other Questions

+ What is the goal of ICE’s ATD program?

As stated on ICE’s website, “ICE’s Alternatives to Detention (ATD) programs exist to ensure compliance with release conditions and provide important case management services for non-detained noncitizens.”

+ What is the difference between ATD and ISAP?

ISAP is one of several programs under ATD.

+ What qualifications does a BI caseworker need to have?



Case Specialists must possess a Bachelor's Degree in a relevant field as well as two years of related experience. With very limited exceptions, Case Specialists are also currently required to be bilingual. All Case Specialists receive 4 weeks of training prior to starting to work with ISAP participants. This training includes but is not limited to: report writing, office observation, effective communication techniques, communicating across cultures, and BI TotalAccess® Case Management System.

+ Does ICE provide oversight of BI?

ICE provides oversight at all levels of the ISAP program.

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