



**BRIEFING GUIDE TO “SECURE COMMUNITIES”--
ICE’S CONTROVERSIAL IMMIGRATION ENFORCEMENT PROGRAM
NEW STATISTICS AND INFORMATION REVEAL DISTURBING TRENDS AND LEAVE CRUCIAL
QUESTIONS UNANSWERED**

DESPITE CONCERNS, ICE CONTINUES TO DEPLOY S-COMM AT BREAKNECK SPEED

- “Secure Communities” (S-Comm) is an Immigration and Customs Enforcement (ICE) agency program that requires state and local law enforcement agencies to automatically forward the fingerprints of all people arrested through immigration databases at booking.¹ ICE then coordinates with local law enforcement to target people suspected of immigration violations for detention and deportation.
- In February 2010, when the **National Day Laborer Organization Network (NDLON)**, the **Center for Constitutional Rights (CCR)** and the **Kathryn O. Greenberg Immigration Justice Clinic of the Benjamin N. Cardozo School of Law** filed an administrative Freedom of Information (FOIA) request, ICE had activated S-Comm in 116 jurisdictions in 16 states.² In the past six months, ICE has tripled the number of jurisdictions operating S-Comm and it now operates in 494 jurisdictions in 27 states.³ ICE aims to implement it in every jurisdiction in the nation by 2013.⁴

**S-COMM IS AN IMMIGRATION DRAGNET NOT A PROGRAM FOCUSED ON “HIGH THREAT”
INDIVIDUALS AS ICE HAS TOLD LOCAL POLICE DEPARTMENTS**

- In accordance with a congressional mandate,⁵ ICE has sold S-Comm to local police departments as a program focused on Level I “high-threat” criminal immigrants.⁶ The numbers tell a different story:

¹ Immigration and Customs Enforcement, Secure Communities State Identification Deployment Briefing, New York State, June 17, 2009, ICE FOIA 10-2674.000800 - ICE FOIA 10-2674.000826, at ICE FOIA 10-2674.000811. *All documents obtained by Plaintiffs in NDLON et al. v. ICE et al are available at: <http://ccrjustice.org/secure-communities>.*

² Immigration and Customs Enforcement, Secure Communities, IDENT/IAFIS Interoperability, Monthly Statistics through Jan. 31, 2010, prepared Feb. 5, 2010, ICE FOIA 10-2674.000037 - ICE FOIA 10-2674.000043, at ICE FOIA 10-2674.000037,

³ Immigration and Customs Enforcement, “Activated Jurisdictions”, *available at* http://www.ice.gov/doclib/secure_communities/pdf/sc_activated.pdf.

⁴ *Id.*

⁵ Department of Homeland Security, Immigration and Customs Enforcement, Secure Communities: Quarterly Report, Fiscal Year 2009 Report to Congress, Third Quarter, August 27, 2009, ICE FOIA 10-2674.000277 - ICE FOIA 10-2674.000317, at ICE FOIA 10-2674.000279 (noting the congressional mandate to prioritize those individuals convicted of crimes, prioritizing those convicted of serious crimes); Department of Homeland Security, Immigration and Customs Enforcement, 1st Quarterly Status Report (April – June 2008) for Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens, August 2008, ICE FOIA 10-2674.000095 - ICE FOIA 10-2674.000133, at ICE FOIA 10-2674.000097 (noting that congress allocated funds for ICE to “improve and modernize efforts to identify aliens convicted of a crime [and] sentenced to imprisonment.”).

⁶ Immigration and Customs Enforcement, State Identification Bureau Deployment Briefing, New York State, July 17, 2009, ICE FOIA 10-2674.000800 - ICE FOIA 10-2674.000826, at ICE FOIA 10-2674.000818.

The vast majority (79 percent) of the people deported due to S-Comm are non-criminals or were picked up for lower level offenses, such as traffic offenses or petty juvenile mischief.⁷

According to ICE's own data, since the program was initiated, more than a quarter (28 percent) of the people transferred to ICE custody through S-Comm have been non-criminals.⁸

- As ICE expands S-Comm, the program moves even further away from Congress's mandate:

In FY 2009, 22 percent of individuals transferred to ICE custody through S-Comm were non-criminals.⁹ Thus far, in FY 2010, that number has jumped to 32 percent.¹⁰

S-COMM COERCES STATES AND LOCALITIES INTO WIDESPREAD ROUTINE CIVIL IMMIGRATION ENFORCEMENT WHILE MISREPRESENTING THE SCOPE OF THE PROGRAM AND THE BURDEN ON LOCAL LAW ENFORCEMENT AND COMMUNITIES

- ICE markets S-Comm as posing no additional burden and "little or no change to current procedures"¹¹ for local law enforcement. Previously unreleased correspondence between local law enforcement officials in Florida indicates otherwise:

"Time is . . . a factor for our staff. Sending I.A.Q.'s, [Immigration Alien Queries], waiting for responses, making phone calls to different immigration officials for clarification on detainees status, gathering additional information for immigration such as photos, booking sheets, fingerprints, and palm prints [for S-Comm] **takes away from the deputies regular duties within the facility[.]**"¹²

"I was also informed today that Booking received multiple calls last night. You advised that the calls would be occasional. **This is not what I was informed to expect.**"¹³

⁷ Immigration and Customs Enforcement, Secure Communities, IDENT/IAFIS Interoperability, Monthly Statistics through June 30, 2010, prepared on July 9, 2010, ICE FOIA 10-2674.000080 - ICE FOIA 10-2674.000079, at ICE FOIA 10-2674.000086. This statistic reflects the number of individuals deported through S-Comm from October, 2008 through June 2010. *Id.* The cumulative number of individuals deported through S-Comm in that time period is 46,929, while the total number of non-criminals and low level, Level II and Level III offenders deported through S-Comm is 37,107. *Id.*

⁸ *Id.*, at ICE FOIA 10-2674.000080. This statistic reflects the number of individuals administratively arrested or booked into ICE custody through S-Comm from the program's initiation in October 2008 through June 2010. *Id.* The cumulative number of individuals administratively arrested or booked into ICE custody through S-Comm is 89,019, while the total number of non-criminals administratively arrested or booked into ICE custody through S-Comm is 24,706. *Id.*

⁹ *Id.*, at ICE FOIA 10-2674.000080. This statistic reflects the number of individuals administratively arrested or booked into ICE custody through S-Comm during Fiscal Year 2009. *Id.* The cumulative number of individuals administratively arrested or booked into ICE custody through S-Comm during that time period is 35,357, while the total number of non-criminals administratively arrested or booked into ICE custody through S-Comm is 7,728. *Id.*

¹⁰ *Id.*, at ICE FOIA 10-2674.000080. This statistic reflects the number of individuals administratively arrested or booked into ICE custody through S-Comm from October 2009 through June 30, 2010. *Id.* The cumulative number of individuals administratively arrested or booked into ICE custody through S-Comm during that time period is 53,482, while the total number of non-criminals administratively arrested or booked into ICE custody through S-Comm is 16,978. *Id.*

¹¹ Immigration and Customs Enforcement, State Identification Bureau Deployment Briefing, New York State, July 17, 2009, ICE FOIA 10-2674.000800 - ICE FOIA 10-2674.000826, at ICE FOIA 10-2674.0000818; *see also* Immigration and Customs Enforcement, Secure Communities Talking Points Police Executive Research Forum, Jan. 12, 2010, ICE FOIA 10-2674.000430 - ICE FOIA 10-2674.000433, at ICE FOIA 10-2674.0000431 ("This enhancement and interoperability process takes place behind the scenes and does not impact your daily operations.").

¹² Public record obtained by the Florida Immigrant Advocacy Center. Martin County, Florida, Memo From Lieutenant Michael Barry, Martin County Sheriff's Office to Major Steve Chase, Re Immigration Procedures, February 28, 2009, at Florida_ORR_0153, *available at* <http://www.fiacfla.org/fiacsecurecommunities.html>.

¹³ Public record obtained by the Florida Immigrant Advocacy Center. Orient Road, Florida, Email from Major Robert Lucas, Hillsborough County Sheriff's Office [rlucas@hcsa.tampa.fl.us], to George Hernandez, Department of Homeland Security [George

“... [t]here is much to this that we are unsettled about. It is being rushed at us and it looks like a project that we will have to gauge as it goes. [ICE] is not communicating well within its departments and just seems anxious to get the project started.”¹⁴

- Despite issues such as S-Comm’s potentially devastating impact on the community policing initiatives of local law enforcement agencies, early in S-Comm’s deployment, ICE shifted away from agreements with local police to signing top-down state level agreements without local input.¹⁵ This approach seems to have limited the right of localities to choose not to participate in the program.¹⁶
- Widespread confusion persists about how jurisdictions can choose not to participate in S-Comm due to concern about how the program will impact community policing initiatives and public safety.¹⁷

DOCUMENTS RAISE CRUCIAL QUESTIONS ABOUT RACIAL PROFILING AND CONSTITUTIONAL VIOLATIONS COVERED UP BY S-COMM

- ICE states that S-Comm “reduces racial and ethnic profiling.”¹⁸ But preliminary data suggests the more logical conclusion is that S-Comm facilitates and conceals racial profiling. In S-Comm jurisdictions, unscrupulous police officers can stop and arrest people based solely on their appearance, expecting that those individuals will be deported, even if they were wrongfully arrested and are never convicted.
- Nationwide, an average of 26 percent of all S-Comm deportations are of non-criminals.¹⁹ In Maricopa County, Arizona, however, ICE categorizes more than half (54 percent) of people deported through S-Comm as non-criminals. The disparity between Maricopa and the national statistics provides evidence that Sheriff Joe Arpaio’s deputies use minor traffic and other offenses as pretext for arresting Latino immigrants.

Hernandez@dhs.gov], re:“Phone number,” February 25, 2009, at Florida_ORR_0404, available at <http://www.fiacfla.org/fiacsecurecommunities.html>.

¹⁴ Public record obtained by the Florida Immigrant Advocacy Center, Orient Road, Florida, Email from Robert Lucas Hillsborough County Sheriff’s Office [rlucas@hcsos.tampa.fl.us], to Mark Walther, February 12, 2009, at Florida_ORR_0417, available at <http://www.fiacfla.org/fiacsecurecommunities.html>

¹⁵ See Department of Homeland Security, Immigration and Customs Enforcement, 1st Quarterly Status Report (April – June 2008) for Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens, August 2008, ICE FOIA 10-2674.000095 - ICE FOIA 10-2674.000133, at ICE FOIA 10-2674.000105. (“ICE will aim to establish as many MOUs as possible at the state level instead of with each county or LEA to shorten deployment schedules and encourage state-wide support and coordination.”); see also Letter from David J. Venturella, Executive Director, Secure Communities, to Linda Denly, Bureau of Criminal Identification and Information, California Department of Justice, Re ICE Secure Communities Memorandum of Agreement (MOA), January 23, 2009, available at http://www.ice.gov/doclib/foia/secure_communities-moa/r_california_4-10-09.pdf (“Deployment at the local level requires a signed Statement of Intent (SOI) by participating agencies that oversee booking locations to ensure those agencies understand and adhere to the principles set forth in the MOA and a set of Standard Operation Procedures.”).
Procedures.”

¹⁶ Letter from Michael Hennessey, Sheriff, City and County of San Francisco, to Edmund G. Brown, Jr., Attorney General, California Department of Justice, May 18, 2010, available at <http://uncoverthetruth.org/san-francisco-to-opt-out-of-secure-communities> (asking to opt out of S-Comm because the program “conflicts with local law.”).

¹⁷ Letter from Zoe Lofgren, Chairwoman, Subcomm. on Immigration, Citizenship, Refugees, Border Security and International Law, to Janet Napolitano, Sec’y of Homeland Security, Department of Homeland Security and Eric H. Holder, Jr., Attorney General, U.S. Dep’t of Justice, July 27, 2010, available at <http://uncoverthetruth.org/july-27-2010-letter-from-representative-zoe-lofgren> (noting that “there appears to be significant confusion about how local law enforcement agencies may “opt out” of participating in Secure Communities.”).

¹⁸ Immigration and Customs Enforcement, State Identification Bureau Deployment Briefing, New York State, July 17, 2009, ICE FOIA 10-2674.000800 - ICE FOIA 10-2674.0000826, at ICE FOIA 10-2674.0000818.

¹⁹ Immigration and Customs Enforcement, Secure Communities, IDENT/IAFIS Interoperability, Monthly Statistics through June 30, 2010, prepared on July 9, 2010, ICE FOIA 10-2674.000080 - ICE FOIA 10-2674.0000080, at ICE FOIA 10-2674.000080.

But Maricopa County is far from the worst. Compare the following as indicia of racial profiling:²⁰

○ Travis, TX	82 percent of S-Comm deportations are of non-criminals
○ St. Lucie, FL	79 percent of S-Comm deportations are of non-criminals
○ Yavapai, AZ	74 percent of S-Comm deportations are of non-criminals
○ Tarrant, TX	73 percent of S-Comm deportations are of non-criminals
○ Broward, FL	71 percent of S-Comm deportations are of non-criminals
○ Suffolk, MA	68 percent of S-Comm deportations are of non-criminals
○ Hillsborough, FL	66 percent of S-Comm deportations are of non-criminals
○ Miami-Dade, FL	66 percent of S-Comm deportations are of non-criminals
○ Pima, AZ	65 percent of S-Comm deportations are of non-criminals
○ Wake, NC	64 percent of S-Comm deportations are of non-criminals
○ Collin, TX	63 percent of S-Comm deportations are of non-criminals
○ San Diego, CA	63 percent of S-Comm deportations are of non-criminals
○ Santa Barbara, CA	58 percent of S-Comm deportations are of non-criminals
○ Dallas, TX	56 percent of S-Comm deportations are of non-criminals
○ Ventura, CA	56 percent of S-Comm deportations are of non-criminals
○ Webb, TX	56 percent of S-Comm deportations are of non-criminals
○ Maricopa, AZ	54 percent of S-Comm deportations are of non-criminals

²⁰ Immigration and Customs Enforcement, National Interoperability Statistics, by Jurisdiction, ICE FOIA 10-2674.000087 – ICE FOIA 10-2674.000094.