

Suit targets ICE's "Secure Communities"

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By Diana Washington Valdez \ El Paso Times

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EL PASO -- The Center for Constitutional Rights filed suit Tuesday seeking records about the U.S. Immigration and Customs Enforcement's Secure Communities program.

The suit was filed in U.S. District Court in New York City.

"Contrary to its name, this latest ICE program makes the public less safe," said Sunita Patel, a lawyer for the center in New York. "There is no doubt that the program has and will continue to deepen fear and mistrust of the police in our communities."

ICE Secure Communities partners in the region include the El Paso County Sheriff's Office and sheriff's offices in Hudspeth, Doña Ana and Otero counties. The Texas Department of Public Safety is also a partner, according to the ICE Web site.

The partnerships enable local law-enforcement agencies to access databases, which include information on immigration status of people they detain.

The National Day Laborer Organizing Network in Los Angeles and the Immigration Justice Clinic of the Benjamin N. Cardozo School of Law in New York joined the lawsuit. In February, the organizations filed a Freedom of Information Act request for details about the program, but ICE has not released the records.

The organizations allege that the rapid expansion of Secure Communities is cause for alarm. They said hardly any information has been made available on error rates, costs, oversight, accountability, racial profiling and civil-rights complaints.

Secure Communities partnerships operate in 168 jurisdictions in 20 states, and more agreements are expected.

"This is a massive, invasive and untested federal immigration enforcement program that ICE has been deceptive and secretive about from the start," said Bridget Kessler, a fellow with the Benjamin N. Cardozo School of Law Immigration Justice Clinic. "Without more information, we cannot allow for the spread of this dangerous ICE program."

Contrary to what some immigration advocates allege, said Leticia Zamarripa, spokeswoman for ICE in El Paso, Secure Communities does not give local law enforcement officers the authority to enforce federal immigration laws.

Instead, ICE officials said, new technology makes it possible to check a suspect's fingerprints against the Department of Homeland Security's biometric database. Biometrics can include fingerprints, handprints, DNA information and face recognition.

"This technology and the use of biometrics helps to more accurately and efficiently confirm a suspect's identity because, unlike a name or date of birth, biometrics are almost impossible to forge," according to the national ICE Web site.

Under the program, fingerprints are checked against the FBI's Integrated Automated Fingerprint Identification System and the Department of Homeland Security's Automated Biometric Identification System-US-VISIT Program. A search can be done within hours.

"Since its inception in October 2008, Secure Communities has identified more than 18,000 (undocumented immigrants) charged with or convicted of level 1 crimes, such as murder, rape and kidnapping -- 4,000 of whom have already been removed from the United States," Matt Chandler, Department of Homeland Security spokesman in Washington, said Tuesday.

"Congress, DHS and ICE recognize that identifying and removing criminal aliens from the United States is a priority and essential to our nation's security. ICE's Secure Communities strategy is leading the agency's efforts to improve and modernize the identification and removal of criminal aliens from the United States. This FOIA request is the subject of a lawsuit and we will release any information as appropriate through the litigation process."

Homeland Security Secretary Janet Napolitano, a former Arizona governor, has defended Secure Communities. [Sam's comment: That's "change we can believe in," isn't it?!!]

But critics alleged that the program was used to deport people who had only minor violations or petty traffic offenses. They also alleged the databases contain errors that resulted in mistaken identities for others. And, they also said the program enables police to run checks on people who have not been charged with anything.

Other critics point out that ICE had a series of immigration raids in Arizona before that state passed Senate Bill 1070 last week, and contend that Secure Communities is a stealth version of the Arizona state immigration law.

"The passage of S.B. 1070 in Arizona should be proof enough of the dangerous and disastrous nature of ICE-police collaboration programs like the so-called Secure Communities program," said Pablo Alvarado, executive director of the National Day Laborer Organizing Network.

Alvarado wants President Barack Obama to put an end to the ICE partnerships with local law enforcement.

Carlos Marentes, El Paso director of the Border Agricultural Workers Project, said Secure Communities and a similar program before it resulted in constitutional violations.

"We've had reports of deputies going into people's homes without search warrants, or turning people over to immigration authorities," Marentes said. "The Arizona (state)

immigration law and the ICE program are misguided because they co-mingle unrelated issues, such as immigration, the violence across the border and national security issues."

Last December, El Paso County Sheriff Richard Wiles voiced support for immigration reform legislation at a Border Network for Human Rights rally in Downtown El Paso, while trying to ease concerns that his department would enforce immigration laws.

In the region, immigrants who are detained for processing are placed in ICE detention centers in El Paso or Otero County. On Tuesday, 840 people were held at the El Paso center run by the federal government, and 933 were at Otero center run by the Management & Training Corp., a private contractor.