

## Microsoft Outlook

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**From:** [REDACTED] b(6), b(7)(C)

**Sent:** Tuesday, October 12, 2010 4:23 PM

**To:** [REDACTED] b(6), b(7)(C)

**Cc:** [REDACTED] b(6), b(7)(C)

**Subject:** FOR REVIEW: SC Website Q&A

**Attachments:** SC Website QA\_Draft101210.doc

[REDACTED] b(6), b(7)(C)

Attached is the draft website Q&A for your review. Note that we tried to make both the questions and the answers as simple as possible... Please feel free to simplify further where possible. We've developed these answers based on the old FAQ, the setting the record straight and the latest statements from ICE/DHS leadership re: opting out.

On the opting out question, I removed the very last clause from the setting the record straight that said we would remove people from the deployment plan because it seemed awkward in here. I'm open to discussion, and I don't want this to be misleading or contradictory in any way.

Also, on the question about how we fit in with other ICE programs, I tried to tighten this down and made some edits, so I would appreciate your close review there as well.

Let me know if you have any questions. I'd love to get your feedback by 3:00 tomorrow if possible. Let me know if you need more time.

-M

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*Delivering Results at the Point of Impact*

**Secure Communities**  
**DRAFT Q&A for Website**  
**10-11-2010**

**1. What is Secure Communities, and how does it work?**

Secure Communities is U.S. Immigration and Customs Enforcement's (ICE) strategy to improve and modernize the identification and removal of convicted criminal aliens.

As part of this strategy, ICE is using a federal biometric information sharing capability between the Department of Homeland Security (DHS) and Department of Justice (DOJ) to identify aliens when they are arrested for a crime by state or local law enforcement officers. Also, this strategy helps ICE prioritize immigration enforcement action on convicted criminal aliens.

**2. Is Secure Communities working?**

Yes; Secure Communities is working. It's transforming ICE's immigration enforcement efforts and significantly improving ICE's ability to identify and remove convicted criminal aliens. In its first two years, ICE removed more than 46,800 convicted criminal aliens identified through the federal biometric information sharing capability. Also, in just one year (from June 2009 to June 2010), the number of criminal aliens in ICE detention increased from 47 to 58 percent of all aliens detained. During the same timeframe, ICE has removed more criminal aliens. In fact, criminal alien removals increased from 34 to 50 percent of all aliens removed.

**3. What are the benefits of Secure Communities?**

Secure Communities benefits local communities and law enforcement by removing convicted criminal aliens from the United States—preventing their release back into a community. That's not the only benefit.

- The Secure Communities strategy ensures that the responsibility of immigration enforcement remains with federal officials. It does not authorize, nor permit, state or local law enforcement to enforce immigration law. This strategy “insulates” local officers from needing to make any judgments or inquiries to determine a suspect's immigration status.
- Further, it requires no change to current law enforcement procedures. And, law enforcement agencies that use digital fingerprint scanners incur no cost.
- It reduces the opportunity for allegations of racial and ethnic profiling. The fingerprints of every individual arrested and booked into custody are checked against immigration records, not just the names of those manually submitted by law enforcement officials based on something a subject has said.

- Finally, it's more accurate because it's based on biometrics, not biographic information. Biometrics are accurate, reliable and virtually impossible to forge.

In fact, the National Sheriffs' Association, Major County Sheriffs' Association and the New York Association of Chiefs of Police have all signed resolutions in support of Secure Communities.

#### **4. Why are aliens with only minor or no convictions being removed?**

ICE's priority is to remove criminal aliens—aliens convicted of a crime. While ICE is prioritizing enforcement action on criminal aliens, ICE field offices maintain the authority to take action on any alien who is subject to removal and often consider the availability of their resources at the time. Individuals removed without criminal convictions have immigration violations that make them subject to removal, including re-entry after removal, final orders of removal in place, visa overstays, etc. They may also be known to affiliate with a gang, making them a priority for removal by ICE.

#### **5. How are Secure Communities, the 287(g) program and the Criminal Alien Program (CAP) different?**

ICE is taking a multipronged approach to address the complex and dynamic challenges of criminal alien immigration enforcement, which includes implementing the Secure Communities strategy and programs like the 287(g) program and CAP.

Secure Communities is ICE's comprehensive strategy to improve and modernize the identification and removal of criminal aliens from the United States. The Secure Communities strategy does not cede federal immigration enforcement authority to state and local law enforcement officers, nor does it provide operational resources such as more federal agents. As part of the strategy, ICE is using a federal biometric information sharing capability to identify aliens arrested by local law enforcement.

The 287(g) program cross designates local law enforcement officers, authorizing them to enforce immigration law on the streets (task force model) and in the jails (jail model). This program acts as a force-multiplier, expanding ICE's presence on the streets and in jails to take enforcement action against aliens subject to removal.

CAP places ICE federal agents and officers in jails to screen convicted criminals.

CAP and 287(g) agents and officers may benefit from the federal biometric information sharing capability activated as part of the Secure Communities strategy. They would be notified of matches to the DHS biometric system through this capability in order to review the case and determine appropriate enforcement action.

**6. When will Secure Communities be nationwide?**

ICE plans to be able to respond to all fingerprint matches generated nationwide through the federal biometric information sharing capability by 2013.

**7. Does Secure Communities require state and local law enforcement officers to enforce immigration law?**

No; Secure Communities does not authorize, nor permit, state or local law enforcement officers to enforce immigration law. ICE maintains that authority.

**8. Does Secure Communities change state and local law enforcement agencies' processes or cost them anything?**

No; it requires no change to current law enforcement procedures. And, law enforcement agencies that use digital fingerprint scanners incur no cost.

Additionally, by removing criminal aliens more efficiently and effectively, ICE is reducing the possibility that these individuals will commit additional crimes in U.S. communities—thereby, reducing long-term costs to local law enforcement.

**9. Can a state or local law enforcement agency choose not to participate in or “opt out” of Secure Communities?**

Because Secure Communities relies on information sharing between federal agencies, local jurisdictions do not need to make a decision as to whether to participate or not. Specifically, fingerprint matches are based on fingerprints submitted by local jurisdictions to the FBI and then checked against DHS' biometric system for immigration information.

In the case where the state and submitting agency have the technological capability to share immigration identity information about the alien in custody, the local law enforcement agency may work with their state to receive or not receive the immigration information from IDENT. Having this additional identity information can benefit officer safety, and aide in ongoing and open investigations. Also, jurisdictions electing not to receive this additional identity information may not have all available information about the individual in custody.

If a jurisdiction does not wish to activate on its scheduled date in the Secure Communities deployment plan, it must formally notify its state identification bureau and ICE in writing (email, letter or facsimile). Upon receipt of that information, ICE will request a meeting with federal partners, the jurisdiction, and the state to discuss any issues and come to a resolution.

**10. Does Secure Communities encourage racial profiling?**

No. It reduces the opportunity for allegations of racial and ethnic profiling. Secure Communities requires no change to current procedures for local law enforcement and all fingerprints are submitted, not just the names of those individuals suspected by law

enforcement of being foreign nationals. To date, ICE has not received any formal complaints or allegations of racial profiling as a result of Secure Communities.

**11. Does Secure Communities create fear within communities and discourage witnesses and victims from reporting crimes?**

No. The biometric information sharing capability only identifies those arrested for committing crimes, not individuals reporting crimes or victims of crimes. Therefore, members of the community who have witnessed or have been subject to crimes should not be concerned about reporting them. In fact, ICE is committed to ensuring accurate information is available to dispel misconceptions about who is being identified through Secure Communities. Second, Secure Communities is helping remove aliens who pose a threat to community safety—criminals. ICE officials initiate prioritized immigration enforcement action, beginning with the most serious offenders first. Identifying and removing criminal aliens from the United States increases public safety. The National Sheriffs' Association, Major County Sheriffs' Association and the New York Association of Chiefs of Police have all signed resolutions in support of Secure Communities.

**12. How does Secure Communities protect individuals' civil rights? How does someone file a complaint?**

ICE is committed to protecting civil rights and privacy. To date, ICE has not received any formal complaints or allegations of racial profiling as a result of Secure Communities.

Existing processes are in place at the local, state and federal levels to report allegations of racial profiling or abuse occurring in local law enforcement agencies. Because DHS is serious about responding to reported allegations of racial profiling, due process violations or other violations of civil rights or civil liberties relating to the use of IDENT/IAFIS interoperability, the DHS Office of Civil Rights and Civil Liberties (CRCL) expanded the existing complaints process to include Secure Communities. For the complaint process, click [here](#).