



National Day Laborer Organizing Network
Red Nacional de Jornaleros

675 S. Park View St., Ste B
Los Angeles, CA 90057

www.ndlon.org

Tel. (213) 380-2783
Fax (213) 353-1344



February 3, 2010

Freedom of Information Act Request
U.S. Immigration and Customs Enforcement
800 North Capitol St., NW, Room 585
Washington, DC 20536-5009
Attn: Catrina Pavlik-Keenan, FOIA Director

National Records Center (NRC)
Freedom of Information Act division
P.O. Box 648010
Lee's Summit, MO 64064-5570

Re: Freedom of Information Act Request

To Whom It May Concern:

This is a request under the Freedom of Information Act, 5 U.S.C. Sec. 552 (“FOIA”), on behalf of the National Day Laborer Organizing Network (“NDLON”), the Center for Constitutional Rights (“CCR”), and the Immigration Justice Clinic of the Benjamin N. Cardozo School of Law (“the Clinic”) (collectively “the Requesters”) for information regarding the U.S. Immigration and Customs Enforcement agency (“ICE”) program Secure Communities (“Secure Communities”). We ask that you please direct this request to all appropriate offices and departments within the agency, including, but not limited to, the Office of Public Affairs, the Office of Detention Policy and Planning, the Office of Detention Oversight, and the Office of State/Local Coordination.

Purpose of Request

The purpose of this request is to obtain information for the public about the Secure Communities program and its impact on the relationship between local law enforcement and immigration enforcement in local communities. This information will enable the public to monitor the impact of the program. ICE announced the Secure Communities program in March 2008 as a program to facilitate the automatic sharing of fingerprints between federal immigration authorities and local and state enforcement agencies.¹ Secure Communities’ purported objective is to “target” individuals who have committed crimes and “prioritize” removal of the most dangerous criminals. ICE has since implemented Secure Communities in over 95 jurisdictions

¹ The program introduces automatic interoperability between FBI and immigration databases.

and plans to expand it nationwide by 2013.² In spite of this unprecedented large-scale cooperation between federal immigration authorities and state and local agencies, ICE has promulgated no regulations and released minimal information about the program's operation.

The sometimes contradictory materials that ICE has released leave significant gaps in the public's understanding of the program's purpose, procedures, and potential impact on local communities.³ Information unavailable to the public includes, but is not limited to, ICE's policies, procedures, and training materials related to Secure Communities and the subsequent detention and removal of individuals identified by Secure Communities, agreements between ICE and state or local entities, and the projected fiscal impact of Secure Communities. No information clarifies whether ICE takes action to protect citizens from erroneous detention and removal, to identify and protect vulnerable groups, or prevent racial profiling in local communities. The minimal data released from jurisdictions where Secure Communities has been implemented indicates that ICE has not effectively prioritized the most dangerous criminals. It is also unclear the extent to which individuals identified by the Secure Communities process are experiencing due process violations and other abuses when they are swept through ICE's costly, dangerous, and inefficient detention and removal system.

A. Definitions

- 1) **Secure Communities Jurisdiction(s)**. In this request, the term "Secure Communities Jurisdiction(s)" is defined as all jurisdictions where Secure Communities has been implemented.
- 2) **Potential Secure Communities Jurisdiction(s)**. In this request, the term "Potential Secure Communities Jurisdiction(s)" is defined as all jurisdictions where ICE is negotiating the implementation of Secure Communities or is in the process of finalizing an agreement.
- 3) **Designated Jurisdiction(s)**. In this request, the term "Designated Jurisdiction(s)" refers to the following jurisdictions:
 - Florida, all jurisdictions
 - Washington, D.C.
 - Harris County, TX
 - San Diego County, CA
 - Los Angeles County, CA
 - Maricopa County, AZ
 - Philadelphia County, PA
 - Wake County, NC
- 4) **Secure Communities Query**. In this request, the term "Secure Communities Query" is defined as a Criminal Answer Required ("CAR"), Criminal Print Identification ("CPI") File Maintenance Query, or any other mechanism by which a Law Enforcement Agency

² David Sherfinski, *ICE plans expansion of immigration database program*, WASHINGTON EXAMINER, Jan. 28, 2010, available at <http://www.washingtonexaminer.com/local/ICE-plans-expansion-of-immigration-database-program-82809177.html#ixzz0ePOriSz2>.

³ See Secure Communities Standard Operating Procedures, §§ 2.1.1 – 2.1.4, available at http://www.ice.gov/doclib/foia/secure_communities/securecommunitiesops93009.pdf, attached at Tab A.

submits a fingerprint query to be run through the Secure Communities' system to be checked against FBI and any DHS databases.⁴

- 5) **Secure Communities Match.** In this request, the term "Secure Communities Match" is defined as an interoperability hit following a Criminal Answer Required ("CAR") or Criminal Print Identification ("CPI") File Maintenance Query including, but not limited to, any instance in which a Secure Communities Query matches an individual to a record in any DHS database.
- 6) **Immigration Detainer.** In this request the term "Immigration Detainer" refers to the Form I-247, Immigration Detainer - Notice of Action (attached at Tab B) or any other similar request by ICE to detain an individual in state or local custody upon their release.
- 7) **ICE Field Offices.** In this request the term "ICE Field Offices" refers to all ICE Field Offices, including, but not limited to, ICE Sub-Field Offices, and any other ICE office involved in immigration enforcement.⁵
- 8) **Law Enforcement Agency.** In this request the term "Law Enforcement Agency" includes, but is not limited to, any state, city, county, or local police agency, department of corrections, sheriff's office, jail, or other holding facility.
- 9) **Vulnerable Groups.** In this request the term Vulnerable Groups includes, but is not limited to, such groups as minor children, the elderly, pregnant or breastfeeding woman, individuals with chronic or acute medical or mental health conditions, victims of human trafficking or other crimes, individuals with T, U, or S visas or pending visa applications, individuals who express a fear of persecution if removed, and individuals with dependent minor children in the United States.
- 10) **Record(s).** In this request the term "Record(s)" includes, but is not limited to, all Records or communications preserved in electronic or written form, such as correspondences, emails, documents, data, videotapes, audio tapes, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, legal opinions, protocols, reports, rules, technical manuals, technical specifications, training manuals, studies, or any other Record of any kind.

B. Acronyms⁶

Department of Justice	DOJ
Federal Bureau of Investigation	FBI
Criminal Justice Information Services	CJIS
Integrated Automated Fingerprint Identification System	IAFIS
Department of Homeland Security	DHS
Immigration and Customs Enforcement	ICE
United States Visitor and Immigrant Status Indicator Technology	US-VISIT
Automated Biometric Identification System	IDENT
State Identification Bureau	SIB

⁴ Secure Communities Standard Operating Procedures, §§ 2.1.1 – 2.1.4, *available at* http://www.ice.gov/doclib/foia/secure_communities/securecommunitiesops93009.pdf, attached at Tab A.

⁵ Jacqueline Stevens, *America's Secret ICE Castles*, THE NATION, Dec. 16, 2009, *available at* <http://www.thenation.com/doc/20100104/stevens>; List of Immigration and Customs Enforcement Subfield Offices, attached at Tab C.

⁶See also Appendix B, attached at Tab D.

Memorandum of Agreement	MOA
Local Law Enforcement Agency	Local LEA
National Fingerprint File	NFF
Criminal Ten-Print Submission (Answer Required)	CAR transaction
National Crime Information Center	NCIC
Automatic Immigration Alien Query	IAQ
ICE Law Enforcement Support Center	LESC
Immigration Alien Response	IAR
IDENT Data response	IDR

C. Request for Information

1) Policies, Procedures and Objectives

Any and all Records, received, maintained, or created by any government agency or subdivision, related to the policies, procedures or objectives of Secure Communities, including documents created prior to March 28, 2008. Such Records include but are not limited to:

- a. **Overview Documents:** policies, operating procedures, rules, internal policy guidance, training materials and legal opinions or memoranda referencing Secure Communities or discussing the mandate, goals, objectives, function responsibility, purpose, implementation, deployment strategy of Secure Communities and any procedures for state or local jurisdictions to opt-out of Secure Communities.
- b. **State and Local Agreements:** agreements, including Memoranda of Agreement, Memoranda of Understanding, and drafts of agreements between ICE and any partner, including State Identification Bureaus (“SIBs”), local Law Enforcement Agencies (“local LEAs”) or other state or local agencies related to Secure Communities.
- c. **Secure Community’s Inquiry & Response Procedures:** any and all Records related to policies and procedures governing the initiation of Secure Communities Queries in Secure Communities Jurisdictions and policies and procedures governing ICE’s responses to Secure Communities Queries, including, but not limited to:
 - i. Any Record containing guidance or procedures governing when local LEAs may generate a Secure Communities Query, including any Records providing for mandatory Secure Communities Queries or discretionary Secure Communities Queries.
 - ii. Any Record related to any past, current, or future practice of automatic generation of a Secure Communities Query (“automated IAQ processing”) when “unknown” or “other than the United States” is entered as an individual’s place of birth.⁷
 - iii. Any Records that contain lists or otherwise identify any databases checked as a result of a Secure Communities Query, including, but not limited to, all national, state and local databases.

⁷ Secure Communities Standard Operating Procedures, § 2.2.7, available at http://www.ice.gov/doclib/foia/secure_communities/securecommunitiesops93009.pdf, attached at Tab A.

- iv. Any Records containing standard notices or computer screen shots generated in response to a Secure Communities Query.
- d. **Detainer Procedures:** any and all Records containing guidance, procedures, or standards governing the issuance or lifting of Form I-247, Immigration Detainer - Notice of Action (“Immigration Detainer”), by the Law Enforcement Support Center (“LESC”), the Criminal Alien Program (“CAP”), or ICE Field Offices on individuals who are subject to a Secure Communities Query, including any Records related to the Secure Communities “risk-based approach”⁸ or the “Secure Communities’ levels and offense categories” by National Crime Information Center (“NCIC”) Code.⁹
- e. **State Training or Explanatory Materials:** any and all Records containing training, briefing, guidance, procedures, rules, or other informational materials developed for local LEAs, SIBs, or other state or local entities.
- f. **Relationship Between Secure Communities and Other ICE Enforcement Programs:** any and all Records indicating the interface or relationship between Secure Communities and other ICE programs, including but not limited to the Criminal Alien Program (“CAP”), 287(g) arrangements, and other ICE Agreements of Cooperation in Communities to Enhance Safety and Security (“ICE ACCESS”).
- g. **Racial Profiling Policy:**
 - i. Any and all Records related to ICE monitoring or plans to monitor Secure Communities Jurisdictions for racial or ethnic profiling or other due process violations;¹⁰
 - ii. Any and all Records related to local LEAs’ racial profiling or anti-racial profiling policies or procedures from Secure Communities Jurisdictions or Proposed Secure Communities Jurisdictions;
 - iii. Any and all Records evaluating, reviewing, compiling or otherwise discussing compliance with racial profiling or anti-racial profiling policies and procedures, including, but not limited to, Section 1.0 of the Secure Communities Standard Operating Procedures.
- h. **Vulnerable Groups:** Any and all Records containing policy or procedures concerning the treatment of Vulnerable Groups targeted by Secure Communities, including, but not limited to, the issuance of Immigration Detainers, parole, or other exercise of prosecutorial discretion.

⁸ Secure Communities Fact Sheet, U.S. Department of Homeland Security, Immigration and Customs Enforcement, September 1, 2009, *available at* www.ICE.gov/secure_communities, attached at Tab E.

⁹ Secure Communities Standard Operating Procedures, Appendix A, *available at* http://www.ice.gov/doclib/foia/secure_communities/securecommunitiesops93009.pdf, attached at Tab A.

¹⁰ Secure Communities Standard Operating Procedures, Introduction, § 1.0, *available at* http://www.ice.gov/doclib/foia/secure_communities/securecommunitiesops93009.pdf, attached at Tab A (stating that “[u]se of IDENT/IAFIS for the purpose of racial and/or ethnic profiling or other activity in violation of the Fourth Amendment of the United States Constitution is not permitted and may result in the suspension of the local jurisdiction engaged in the improper activity”).

2) Data & Statistical Information

Any and all Records, excluding Records from individual Alien files, containing data or statistics prepared, compiled, or maintained by ICE or any agency or subdivision thereof related to or pertaining to Secure Communities or to Secure Communities Jurisdictions beginning the last full fiscal year prior to the implementation of Secure Communities in each jurisdiction through the present (except as otherwise specified). Such Records should include, but not be limited to:

- a. **Criminal Answer Required (“CAR”) and Criminal Print Identification (“CPI”) File Maintenance Messages:** Records that contain data or statistical information on CARs and CPI File Maintenance Messages originating in each Secure Communities Jurisdiction and cumulatively (including Records that contain data or statistical information on of any and all fingerprints transmitted through interoperability), from the implementation of Secure Communities through the present, or any sub-period thereof. Any Records that contain statistics or data drawn from such CARs and CPIs, including any analysis or breakdown thereof.
- b. **Automatic Immigration Alien Queries (“IAQs”):** Records that contain data or statistical information on IAQs triggered by inquiries from each Secure Communities Jurisdiction (including Records that contain data or statistical information on any and all matches or hits in IDENT), from the implementation of Secure Communities through the present, or any sub-period thereof. Any Records that contain data drawn from such IAQs, including any analysis or breakdown thereof.
- c. **Immigrant Alien Responses (“IARs”) and IDENT Data Responses (“IDRs”):** Records that contain data or statistical information on IARs and IDRs triggered by Secure Communities Queries from each Secure Communities Jurisdiction, from the implementation of Secure Communities through the present, or any sub-period thereof. Any Records that contain data drawn from such IARs and IDRs, including any analysis or breakdown thereof.
- d. **Form I-247, Immigration Detainers (Immigration Detainers):**
 - i. **Pre-Secure Communities:** Records that contain data or statistical information on the number of Immigration Detainers lodged dating back through the last full fiscal year prior to the implementation of Secure Communities, or any sub-period thereof, in each Secure Communities Jurisdiction and cumulatively;
 - ii. **Pre-Secure Communities through CAP:** Records that contain data or statistical information on the number of Immigration Detainers lodged through the Criminal Alien Program dating back through the last full fiscal year prior to the implementation of Secure Communities, or any sub-period thereof, in each Secure Communities Jurisdiction and cumulatively;
 - iii. **Post-Secure Communities:** Records that contain data or statistical information on the number of Immigration Detainers lodged in each Secure Communities Jurisdiction and cumulatively, from the implementation of Secure Communities through the present, or any sub-period thereof;

- iv. **Post-Secure Communities through CAP:** Records that contain data or statistical information on the number of Immigration Detainers lodged through the Criminal Alien Program in each Secure Communities Jurisdiction and cumulatively, from the implementation of Secure Communities through the present, or any sub-period thereof;
 - v. **Secure Communities Detainers:** Records that contain data or statistical information on the number of Immigration Detainers lodged on individuals who are subject to a Secure Communities Query in each Secure Communities Jurisdiction and cumulatively, from the implementation of Secure Communities through the present, or any sub-period thereof;
 - vi. Any Records that contain data drawn from any such Immigration Detainer forms, including any analysis or breakdown thereof.
- e. **Form I-213, Record of Deportable/Inadmissible Alien:**
- i. **Pre-Secure Communities:** Records that contain data or statistical information on the number of Forms I-213 issued dating back through the last full fiscal year prior to the implementation of Secure Communities, or any sub-period thereof, in each Secure Communities Jurisdiction and cumulatively;
 - ii. **Pre-Secure Communities through CAP:** Records that contain data or statistical information on the number of Forms I-213 issued through the Criminal Alien Program dating back through the last full fiscal year prior to the implementation of Secure Communities, or any sub-period thereof, in each Secure Communities Jurisdiction and cumulatively;
 - iii. **Post-Secure Communities:** Records that contain data or statistical information on the number of Forms I-213 issued in each Secure Communities Jurisdiction and cumulatively, from the implementation of Secure Communities through the present, or any sub-period thereof;
 - iv. **Post-Secure Communities through CAP:** Records that contain data or statistical information on the number of Forms I-213 issued through the Criminal Alien Program in each Secure Communities Jurisdiction and cumulatively, from the implementation of Secure Communities through the present, or any sub-period thereof;
 - v. **Secure Communities I-213s:** Records that contain data or statistical information on the number of Forms I-213 issued on individuals who are subject to a Secure Communities Query in each Secure Communities Jurisdiction and cumulatively, from the implementation of Secure Communities through the present, or any sub-period thereof;
 - vi. Any Records that contain data drawn from any such I-213 forms, including any analysis or breakdown thereof.
- f. **Form I-286, Notice of Custody Determinations:**
- i. **Pre-Secure Communities:** Records that contain data or statistical information on the number of Forms I-286 issued dating back through the last full fiscal year prior to the implementation of Secure Communities, or any sub-period thereof, in each Secure Communities Jurisdiction and cumulatively;

- ii. **Pre-Secure Communities through CAP:** Records that contain data or statistical information on the number Forms I-286 issued through the Criminal Alien Program dating back through the last full fiscal year prior to the implementation of Secure Communities, or any sub-period thereof, in each Secure Communities Jurisdiction and cumulatively;
 - iii. **Post-Secure Communities:** Records that contain data or statistical information on the number of Forms I-286 issued in each Secure Communities Jurisdiction and cumulatively, from the implementation of Secure Communities through the present, or any sub-period thereof;
 - iv. **Post-Secure Communities through CAP:** Records that contain data or statistical information on the number of Forms I-286 issued through the Criminal Alien Program in each Secure Communities Jurisdiction and cumulatively, from the implementation of Secure Communities through the present, or any sub-period thereof;
 - v. **Secure Communities I-286:** Records that contain data or statistical information on the number of Forms I-286 issued on individuals who are subject to a Secure Communities Query in each Secure Communities Jurisdiction and cumulatively, from the implementation of Secure Communities through the present, or any sub-period thereof;
 - vi. Any Records that contain data drawn from any such I-286 forms, including any analysis or breakdown thereof.
- g. **Form I-862, Notice to Appear (NTA):**
- i. **Pre-Secure Communities:** Records that contain data or statistical information on the number of Forms I-862 issued dating back through the last full fiscal year prior to the implementation of Secure Communities, or any sub-period thereof, in each Secure Communities Jurisdiction and cumulatively;
 - ii. **Pre-Secure Communities through CAP:** Records that contain data or statistical information on the number of Forms I-862 issued through the Criminal Alien Program dating back through the last full fiscal year prior to the implementation of Secure Communities, or any sub-period thereof, in each Secure Communities Jurisdiction and cumulatively;
 - iii. **Post-Secure Communities:** Records that contain data or statistical information on the number of Forms I-862 issued in each Secure Communities Jurisdiction and cumulatively, from the implementation of Secure Communities through the present, or any sub-period thereof;
 - iv. **Post-Secure Communities through CAP:** Records that contain data or statistical information on the number of Forms I-862 issued through the Criminal Alien Program in each Secure Communities Jurisdiction and cumulatively, from the implementation of Secure Communities through the present, or any sub-period thereof;
 - v. **Secure Communities I-862:** Records that contain data or statistical information on the number of Forms I-862 issued on individuals who are subject to a Secure Communities Query in each Secure Communities Jurisdiction and cumulatively, from the implementation of Secure Communities through the present, or any sub-period thereof;

- vi. Any Records that contain data drawn from any such I-862 forms including any analysis or breakdown thereof.

h. Criminal Records in Secure Communities Jurisdictions:

- i. **Pre-Secure Communities:** Records that contain data or statistical information on criminal history or records and/or pending charges of individuals indentified through the Criminal Alien Program dating back through the last full fiscal year prior to the implementation of Secure Communities, or any sub-period thereof, in each Secure Communities Jurisdiction and cumulatively;
- ii. **Post-Secure Communities:** Records that contain data or statistical information on criminal history or records and/or pending charges of individuals who are subject to a Secure Communities Query in each Secure Communities Jurisdiction and cumulatively, since the implementation of Secure Communities;
- iii. Any Records that contain any analysis or breakdown of the aforementioned data and statistical information on criminal history, records, or pending charges.

i. Offense Level Determinations:

Any records that contain data or statistical information disaggregated by any categorization of criminal history or other risk-based assessment including, but not limited to, the “Secure Communities’ levels and offense categories”¹¹ for the following periods:

- i. **Pre-Secure Communities:** Dating back through the last full fiscal year prior to the implementation of Secure Communities, or any sub-period thereof, in each Secure Communities Jurisdiction and cumulatively; and
- ii. **Post-Secure Communities:** Since the implementation of Secure Communities.

This request includes any such record pertaining to whether or not detainers were lodged, whether or not Notices to Appear were issued, and whether or not individuals were ordered removed and/or actually removed.

j. Removals:

Any records that contain data or statistical information on removals of individuals in Secure Communities jurisdictions, including:

- i. **Pre-Secure Communities:** Any removal resulting from apprehensions through the CAP dating back through the last full fiscal year prior to the implementation of Secure Communities, or any sub-period thereof, in each Secure Communities Jurisdiction and cumulatively;
- ii. **Post-Secure Communities:** Any removal of individuals who are subject to a Secure Communities Query since the implementation of Secure Communities, in each Secure Communities Jurisdiction and cumulatively;
- iii. **Post-Secure Communities through CAP:** Any removal resulting from apprehensions through the CAP following the implementation of Secure Communities, in each Secure Communities Jurisdiction and cumulatively.

¹¹ See Secure Communities Standard Operating Procedures, Appendix A, available at http://www.ice.gov/doclib/foia/secure_communities/securecommunitiesops93009.pdf, attached at Tab A.

k. **United States Citizens:**

Any records that contain data or statistical information or any discussion or information whatsoever pertaining to United States Citizens:

- i. Identified through Secure Communities Matches;
- ii. Subjected to Immigration Detainers after being subject to a Secure Communities Query;
- iii. Detained by ICE after being subject to a Secure Communities Query;
- iv. Removed by ICE after being subject to a Secure Communities Query.

l. **Demographic Data**

Any records that contain data or statistical information on race, ethnicity, sex, age, or place of birth of:

- i. Subjects of Detainers
 1. **Pre-Secure Communities:** Individuals subject to detainers dating back through the last full fiscal year prior to the implementation of Secure Communities, or any sub-period thereof, in each Secure Communities Jurisdiction and cumulatively;
 2. **Post-Secure Communities:** Individuals subject to detainers after being subject to a Secure Communities Query since the implementation of Secure Communities, in each Secure Communities Jurisdiction and cumulatively;
- ii. Subjects of Secure Communities Queries;
- iii. Subjects of Secure Communities Matches.

m. **Vulnerable Groups**

Any and all Records containing data or statistical information on Vulnerable Groups for:

- iv. **Pre-Secure Communities:** Individuals subject to detainers dating back through the last full fiscal year prior to the implementation of Secure Communities, or any sub-period thereof, in each Secure Communities Jurisdiction and cumulatively;
- v. **Post-Secure Communities:** Individuals subject to Secure Communities Queries since the implementation of Secure Communities, in each Secure Communities Jurisdiction and cumulatively;

3) **Individual Records**

The following Records pertaining to individuals subject to Secure Communities Queries or ICE detainers in Designated Jurisdictions from October 2007 through the present:

- i. Criminal Answer Required (CAR) and Criminal Print Identification (CPI) File Maintenance Messages;
- ii. Automatic Immigration Alien Queries (IAQs);
- iii. Immigrant Alien Responses (IAR) and IDENT Data Responses (IDR);

- iv. Form I-247, Immigration Detainer – Notice of Action (Immigration Detainer);
- v. Form I-213, Record of Deportable/Inadmissible Alien;
- vi. Form I-215c, Record of Sworn Statement in Affidavit Form;
- vii. Form I-200, Warrant for Arrest of Alien;
- viii. Stipulated Request for Final Order of Removal and Waiver of Hearing;¹²
- ix. Written Notice of Reinstatement of Removal;¹³
- x. Administrative Voluntary Departure;
- xi. Form I-851, Notice of Intent to Issue a Final Administrative Deportation Order (Notice of Intent)
- xii. Form I-205, Warrant of Removal
- xiii. Form I-286, Notice of Custody Determination;
- xiv. Form I-862, Notice to Appear (NTA);
- xv. Initial Notice if Hearing in Removal Proceedings;
- xvi. Immigration Judge Bond Redetermination Order, EOIR Form 1;
- xvii. Notice of Entry of Appearance as Attorney or Representative before the Immigration Court, Form EOIR-28 or USCIS Form G-28;
- xviii. Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals, Form EOIR-27
- xix. Immigration Judge Orders: ordering individual removed, terminating proceedings, or granting relief;
- xx. Any other Records that contain any of the following information:
 - i. **Demographic Information:**
 - 1. The criminal history of, and the current charges against, the individual;
 - 2. The individual’s age, race, gender, nationality, place of birth or status as a member of a Vulnerable Group.

¹² See Stipulated Request for Final Order of Removal and Waiver of Hearing, <http://www.scribd.com/doc/22093836/EOIR-Stipulated-Request-for-Removal-Order-and-Waiver-of-Hearing>

¹³ See 8 C.F.R. § 1241.8(b)

ii. **Immigration Detainers:**

1. Whether the Immigration Detainer was lodged on individuals who are subject to a Secure Communities Query;
2. Whether the Immigration Detainer was issued by the LESC, the CAP, a local ICE field office, a 287(g) officer, or some other entity;
3. How the determination to lodge an Immigration Detainer was made, including reference to any policy guidelines or “risk-based” assessment, such as guidance based on criminal history or factors such as age, gender, medical or mental health conditions, or dependent minor children;
4. For any individual identified following a Secure Communities Query for whom an Immigration Detainer was not lodged or was subsequently lifted and the reasons for that determination, including reference to any policy guidelines or “risk-based” assessment.

iii. **ICE Custody Determinations:**

1. Any notice or communication from the local or state facility with custody of the individual subject to an ICE detainer to ICE indicating when the individual is to be released from criminal custody or when ICE can and/or must assume custody;
2. The date and time the individual subject to the detainer was taken into ICE custody;
3. Whether and when the individual posted bond, if any;
4. What factors ICE considered in deciding whether or not to issue bond, how much bond to issue, whether to release someone on their own recognizance, whether to put someone on supervised release or intensive supervised release, whether to grant someone parole or prosecutorial discretion, or any other custody determination, including, for example, any worksheet or checklists utilized for any of the above determinations and reference to any policy guidelines or “risk-based” assessment, including, but not limited to, determinations based on:
 - I. Any categorization of criminal history or other risk-based assessment including, but not limited to, the “Secure Communities’ levels and offense categories”;¹⁴
 - II. Age or gender;
 - III. Medical or mental health conditions;
 - IV. Eligibility for T, U, S visas, or VAWA adjustment;
 - V. Eligibility for asylum, withholding or protection under the Convention Against Torture;
 - VI. Eligibility for other forms of relief from removal;
 - VII. Length of permanent residence in the United States and community ties; or
 - VIII. The existence of minor children dependent on the individual or other family members in the United States;

¹⁴ See Secure Communities Standard Operating Procedures, Appendix A, *available at* http://www.ice.gov/doclib/foia/secure_communities/securecommunitiesops93009.pdf, attached at Tab A.

5. Whether the individual's criminal case(s) were resolved at the time ICE assumed custody.
- iv. **Immigration Charging Document:**
1. When a Notice to Appear is not issued after ICE assumes custody, whether the non-issuance is due to:
 - I. The existence of a prior deportation, exclusion, or removal order;
 - II. The existence of a stipulated order of removal;
 - III. The issuance of a Form I-851, Notice of Intent to Issue a Final Administrative Deportation Order, pursuant to the expedited removal statute;
 - IV. The issuance of a Final Administrative Order of Removal;
 - V. The issuance of a Form I-860, Notice and Order of Expedited Removal, pursuant to the expedited removal statute;
 - VI. ICE's determination that the individual is a United States citizen;
 - VII. ICE's determination that the individual is not removable;
 - VIII. ICE's exercise of prosecutorial discretion; or
 - IX. Any other factor.
 2. The date and time that ICE:
 - I. Executed the Notice to Appear;
 - II. Served the Notice to Appear on the individual;
 - III. Filed the Notice to Appear with the Executive Office for Immigration Review.
- v. **Immigration Bonds:**
1. Whether and when the individual requested a bond hearing;
 2. Whether and when a bond hearing was held;
 3. Whether and when an individual requested a redetermination of custody decision;
 4. Whether and when a custody redetermination hearing was scheduled;
 5. Whether and when a custody redetermination hearing was held;
 6. Whether and when the individual requested a *Matter of Joseph*, 22 I&N Dec. 799 (BIA 1999), hearing;
 7. Whether and when a *Matter of Joseph*, 22 I&N Dec. 799 (BIA 1999), hearing was held;
 8. The amount of the bond set by the Immigration Judge, if any;
 9. Whether the individual appealed the bond determination;
 10. Whether and when the individual posted bond, if any.
- vi. **Removal Proceedings:**
1. If resolved, the final outcome of the individual's removal case;
 2. If pending, the current status of the individual's removal case;
 3. The date the individual's removal case was resolved;
 4. Whether the individual was represented by counsel in the removal proceeding at any time.

vii. **Detention:**

1. When the individual was first detained by ICE;
2. If released, the date the individual was released from custody (or removed);
3. Each location and facility where the individual was detained and the dates of detention at each such facility.

4) **Fiscal Impact of Secure Communities**

- a. **Fiscal Impact on State and Local Secure Communities Jurisdictions and Potential Secure Communities Jurisdictions:** Any and all Records related to the fiscal impact or the actual, estimated, or projected cost on state and local Secure Communities Jurisdictions and Proposed Secure Communities Jurisdictions arising from or related to Secure Communities or to individuals subject to Immigration Detainers following a Secure Communities Query, including, but not limited to, costs, reimbursements, monetary agreements, and monetary incentives, including increased costs of detention.
- b. **Intergovernmental Service Agreements:** Any and all Records related to proposed, contemplated, existing, or prior Intergovernmental Service Agreements for detention facilities with Secure Communities Jurisdictions and Proposed Secure Communities Jurisdictions.
- c. **Contracts with Private Entities:** Any and all Records related to proposed, contemplated, existing, or prior contracts or communications with private companies or other private entities related to the development or implementation of Secure Communities.
- d. **Federal Costs of Secure Communities:** Any and all Records related to actual, estimated, or projected costs of the Secure Communities program to the federal government, including, but not limited to, Department of Homeland Security appropriations, and costs of increased detention and removal operations to ICE, EOIR, and United States Attorneys' Offices, and to the federal courts.

5) **Communications**

- a. **Any and all Records containing communications related to Secure Communities by, to, or between any of the following:**
 - i. **ICE:** ICE or any agent, officer, employee, or subdivision thereof;
 - ii. **DHS:** DHS or any agent, officer, employee, or subdivision thereof;
 - iii. **DOJ:** DOJ or any agent, officer, employee, or subdivision thereof, including, but not limited to EOIR, FBI, and FBI CJIS;

- iv. **State and Local Jurisdictions:** Secure Communities Jurisdictions, Proposed Secure Communities Jurisdictions, and any other state and local jurisdictions, including, but not limited to, any local or state LEAs, SIBs and Attorney Generals' offices;
- v. **The White House:** The White House, the President of the United States, his staff and advisors;
- vi. **United States Congress:** United States Congress, including, but not limited to, letters or emails to Senators or Representatives or staff members thereof, congressional committees, congressional briefings documents, congressional testimony, any other information provided to a member or employee of Congress, and any documents used in preparation of the aforementioned materials. Including but not limited to:
 - 1. Congressional inquiries regarding Secretary Napolitano's statements regarding Secure Communities in the week following the Criminal Alien Program presentation (November 2009);
 - 2. Information regarding ICE Assistant Secretary John T. Morton's meeting with the Congressional Hispanic Caucus on October 21, 2009;
 - 3. Briefings for Congress on 287(g) announcement on July 15, 2009;
 - 4. Briefing for Senate staff in September 2009 on fugitive operations and other issues related to Secure Communities; and,
 - 5. Briefing for Department of Justice Civil Rights Division in 2009.
- vii. **Non-Governmental Organizations (NGOs):** including emails, letters, or other documents distributed to NGOs or any documents used in preparation of such materials or in preparation for meetings with NGOs.

b. Public Statements

- i. **Press Releases:** Any and all Records related to or containing press releases or public internet postings that mention the phrase "Secure Communities" and any and all Records used in the preparation thereof;
 - ii. **Statements to Reporters or Media Outlets:** Any and all Records related to or containing statements by ICE or any official, officer, or employee thereof to a reporter or media outlet, including any opinion pieces or letters to the editor drafted for newspapers or internet media outlets and any Records used in the preparation thereof.
- c. Speeches:** Any and all Records related to speeches, statements, and presentations by ICE or any official, officer, or employee thereof, mentioning Secure Communities and any Records or drafts used in the preparation thereof.

d. Secure Communities Public Relations Approach:

Any and all Records related ICE's Secure Communities messaging, media, or communications approach. Including but not limited to:

- i. Any and all Records related to the development of the program's title, media approach, website, and public relations approach;
- ii. Any and all Records related to any media, communications, or consulting firm that assisted in the development or implementation of ICE's Secure Communities messaging, media, or communications approach, including any contract or agreement with such firm.

6) Secure Communities Program Assessment Records

- a. Any and all Records developed or used by ICE or DHS to evaluate, review, or monitor effectiveness or outcomes of Secure Communities.
- b. Any records containing assessments of the Secure Communities program, whether related to national assessments, assessments of specific Secure Communities Jurisdictions, related to any time period, or any interface or relation with any other ICE programs, divisions or initiatives.
- c. Secure Communities Stakeholder's Questionnaire:
 - i. Any and all Records related to the Form 70-008, ICE Secure Communities Stakeholder's ID Assessment Questionnaire (Stakeholder Questionnaire), OMB No. 1653-NEW, including earlier versions of the questionnaire, memoranda, communications, data gathered, or analysis of such data or questionnaire responses;¹⁵
 - ii. Any and all Records containing comments to the Stakeholder Questionnaire;
 - iii. Any Records containing follow-up communications related to the Stakeholder Questionnaire or other efforts to solicit community input;
 - iv. Any Records containing implementation, analysis, rejection, or other processing of the Stakeholder Questionnaire.

7) Secure Communities Complaint Mechanisms and Oversight

- a. Any and all Records related to a complaint mechanism or redress procedure for an individual, such as a United States citizen, erroneously subject to an Immigration Detainer following a Secure Communities Query or other Secure Communities related complaints.

¹⁵ Immigration and Customs Enforcement Secure Communities Stakeholders ID Assessment Questionnaire

- b. Any and all Records relating to oversight, monitoring, evaluation and supervision of federal, state, and local actors involved in Secure Communities, including, but not limited to, local LEAs, SIBs, and ICE Field Offices.
- c. Any and all Records related to complaints or grievances filed by community members, detained individuals, non-governmental organizations, Congressional representatives, ICE or DHS working groups, state or local entities or employees, federal entities or employees, including those filed with ICE, DHS, SIBs, DHS' Office of Civil Rights and Civil Liberties, the DHS Office of the Inspector General, ICE Office of Professional Responsibility, the United States Attorney General or the Department of Justice, state or local authorities or civil rights bureaus, or the United States Congress or any member or committee thereof.

If you deny any part of this request, please cite each specific reason or exemption to FOIA that you believe justifies your refusal to release the information, and notify us of appeal procedures available to us under the law. The Requesters expect release of all segregable portions of otherwise exempt material. 5 U.S.C. § 552(b). The Requesters reserve the right to appeal a decision to withhold information or a denial of fee waivers. 5 U.S.C. § 552(a)(6)(A)(i).

D. The Requesters

The National Day Laborer Organizing Network (“NDLON”) is a non-profit organization founded in 2001 whose mission is to improve the lives of day laborers in the United States. Toward this end, NDLON seeks to strengthen, connect and expand the work of its member organizations in order to become more effective and strategic in building leadership, advancing low-wage worker and immigrant rights, and developing successful models for organizing immigrant contingent/temporary workers.¹⁶

The Center for Constitutional Rights (“CCR”) is a not-for-profit, public interest, legal, and public education organization that engages in litigation, public advocacy, and the production of publications in the fields of civil and international human rights. CCR's diverse docket includes litigation and advocacy around immigration detention, post-9/11 detention policies, policing, and racial and ethnic profiling. CCR is a member of immigrant rights networks nationally and provides legal support to immigrant rights movements. CCR also publishes newsletters, know-your-rights handbooks, and other similar materials for public dissemination. CCR has published reports on various aspects of detention and the criminal justice system in the United States. These and other materials are available through CCR's Development, Communications, and Education & Outreach Departments. CCR operates a website, www.ccrjustice.org, which addresses the issues on which the Center works. The website includes material on topical civil and human rights issues and material concerning CCR's work. All of this material is freely available to the public. In addition, CCR regularly issues press releases and operates a listserv of over 50,000 members and issues “action alerts” that notify supporters and the general public about developments and operations pertaining to

¹⁶ NDLON has routinely been granted fee waivers in the past. *See e.g.*, Freedom of Information Act to Customs and Border Protection, March 18, 2009, Case Number 2009F7375.

CCR's work. CCR staff members often serve as sources for journalist and media outlets on immigration, policing and detention policies.

The Immigration Justice Clinic of the Benjamin N. Cardozo School of Law ("the Clinic") was founded in 2008 to provide quality *pro bono* legal representation to indigent immigrants facing deportation. Under the supervision of experienced practitioners, law students in the Clinic represent individuals facing deportation and community-based organizations in public advocacy, media, and litigation projects. In just over one year of existence, the Clinic has already established itself as a leader in the dissemination of critically important information about immigration enforcement operations to the public. In February 2009, the Clinic issued a press release and released previously unavailable secret memoranda and data related to ICE home raid operations to the press, resulting in widespread national media coverage. In July 2009, the Clinic published the first public study of ICE's home raid operations, playing a critical role in informing the public of widespread constitutional violations and other abuses, again attracting significant national media attention.¹⁷

E. Fee Waiver

The Requesters are entitled to a waiver of all costs because the information sought "is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the [Requesters'] commercial interest." 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 6 C.F.R. § 5.11(k) (records furnished without charge if the information is in the public interest, and disclosure is not in the commercial interest of institution). The Requesters have a proven track-record of compiling and disseminating information to the public about government functions and activities. The Requesters have undertaken this work in the public interest and not for any private commercial interest. Similarly, the primary purpose of this FOIA request is to obtain information to further the public's understanding of federal immigration enforcement actions and policies. Access to this information is a prerequisite for members of the local community organizations to meaningfully evaluate immigration enforcement actions and their potential detrimental effects.

The public has an interest in knowing about the manner in which the federal government involves state and local entities in the enforcement of federal immigration law. Secure Communities is a new program of which the public has limited information. There is almost no data in the public domain about the implementation of Secure Communities or whether and how ICE adheres to its congressionally sanctioned objectives to target and prioritize "dangerous criminal aliens."¹⁸ The information that is available is vague and seems to indicate that ICE is not executing its enforcement priorities.¹⁹ The Records sought in this request will inform the

¹⁷ *See* Constitution On ICE: A Report on Immigration Home Raid Operations, Cardozo Immigration Justice Clinic, available at http://www.cardozo.yu.edu/uploadedFiles/Cardozo/Profiles/immigrationlaw-741/IJC_ICE-Home-Raid-Report%20Updated.pdf

¹⁸ U.S. Congress, FY2010 Conference Summary: Homeland Security Appropriations, October 7, 2009 (providing funding to "improve and modernize efforts to identify aliens convicted of a crime, sentenced to imprisonment, and who may be deportable.")

¹⁹ *See* U.S. Immigration and Customs Enforcement, News Release, *Secretary Napolitano and ICE Assistant Secretary Morton Announce That the Secure Communities Initiative Identified More Than 110,000 Criminal Aliens*

public of the scope and effect of the Secure Communities program on community policing and safety, racial profiling, and Constitutional or due process violations in immigration detention. The public has a strong interest in knowing when and how an individual arrested by local police might be subject to federal immigration database checks and swept into the immigration detention and removal system. Moreover, local communities need the requested information about how Secure Communities functions in order to determine whether their interests will be served by the introduction of the program.

As stated above, the Requesters have no commercial interest in this matter. The Requesters will make any information that they receive as a result of this FOIA request available to the public, including the press, at no cost. Disclosure in this case therefore meets the statutory criteria, and a fee waiver would fulfill Congress' legislative intent in amending FOIA. *See Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be 'liberally construed in favor of waivers of noncommercial requesters.'").

In the alternative, the Requesters seek all applicable reductions in fees pursuant to 6 C.F.R. § 5.11(d). The Requesters agree to pay for the first 100 pages of duplication. *See* 6 C.F.R. § 5.11(d). The Requesters agrees to pay search, duplication, and review fees up to \$200.00. If the fees will amount to more than \$200.00, the Requesters request a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). If no fee waiver is granted and the fees exceed \$200.00, please contact the Requesters' undersigned counsel to obtain consent to incur additional fees.

F. Expedited Processing

Expedited processing of this request is required because there is a "compelling need" for the information. 5 U.S.C. § 552(a)(6)(E)(i)(I). A "compelling need" is established when there exists an "urgency to inform the public concerning actual or alleged Federal Government activity," when the requester is a "person primarily engaged in disseminating information," 28 C.F.R. § 16.5(d)(1)(iv), and also when there exists "a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence, 28 C.F.R. § 16.5(d)(1)(ii).

There is an urgent need to inform the public of the Secure Communities program. 28 C.F.R. § 16.5(d)(1)(iv). The Fiscal Year 2010 appropriations bill for DHS allocates \$200 billion to Secure Communities. To date, the program has been implemented in over 95 jurisdictions in eleven states. By 2013, ICE intends to operate the program in all 3,100 county and local jails across the country. In spite of this widespread fiscal and community impact, ICE has promulgated no regulations or agency guidelines regarding the operation of the program. ICE has not released the memorandums of agreement that it has entered into with local entities or disclosed precisely how Secure Communities will be implemented on a local level. As ICE continues to introduce Secure Communities in jurisdictions across the country, the public has an urgent need to understand the scope of the program.

in its First Year, Nov. 12, 2009 (citing that 110,000 "criminal aliens" have been identified, but indicating that some of these "criminal" aliens had only been *charged* but not *convicted* of crimes);

Given the vast implications of the program and the public uncertainty surrounding its implementation, Secure Communities is a "matter of widespread and exceptional media interest."²⁰ Correspondingly, the media has raised serious questions about the Secure Communities program related to the "government's integrity which affect public confidence," including concerns that Secure Communities will serve as a dragnet instead of a mechanism to target dangerous criminal individuals, and will hinder community policing and lead to racial profiling.²¹

G. Certification

The Requesters certify that the above information is true and correct to the best of the Requesters' knowledge. See 6 C.F.R. § 5.5(d)(3).

If you have any questions regarding the processing of this request, you may contact Bridget Kessler at (212) 790-0213 or Peter Markowitz at (212) 790-0340. Thank you for your kind consideration.

Please furnish all applicable Records to:

Bridget Kessler
Clinical Teaching Fellow
Cardozo School of Law
Immigration Justice Clinic
55 Fifth Avenue
New York, NY 10003

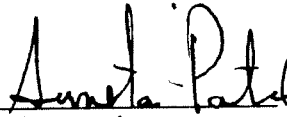
Sincerely,



Bridget Kessler
Clinical Teaching Fellow
Cardozo School of Law
Immigration Justice Clinic
55 Fifth Avenue
New York, NY 10003
Phone: (212) 790-0213

²⁰ Julia Preston New York Times, *U.S. Identifies 111,000 Immigrants With Criminal Records*, Nov. 13, 2009; New York Times, Editorial, *Wrong Paths to Immigration Reform*, Oct. 12, 2009; Jose M. Serrano, New York State senator, Letter to Editor, New York Times, *Threat to Immigrants*, Oct. 16, 2009; The Real Cost of Prisons Weblog, *Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens*, Jan. 19, 2009; N.C. Aizenman, Washington Post, *D.C. to help U.S. identify illegal immigrants in jail Federal program checks fingerprints of local crime suspects*, Nov. 13, 2009; *More Questions Than Answers About the Secure Communities Program*, Mar. 2009; See Michelle Waslin, Ph.D., *The Secure Communities Program: Unanswered Questions and Continuing Concerns*, 11, Nov. 2009;

²¹ See Michelle Waslin, Ph.D., *The Secure Communities Program: Unanswered Questions and Continuing Concerns*, 11, Nov. 2009 (noting the concern that Secure Communities raises questions about local police authorities' ability to build strong, trusting relationship with their communities).



Sunita Patel
Staff Attorney
Center for Constitutional Rights
666 Broadway, 6th Floor
New York, NY 10012
Phone: (212)614-6439

On behalf of the Requesters

A



**Immigration and Customs Enforcement
(ICE)**

Secure Communities (SC)

Standard Operating Procedures (SOP)

**Distributed for adoption by participating county and local
law enforcement agencies**

Table of Contents

1.0	INTRODUCTION	3
2.0	STANDARD OPERATING PROCEDURES	3
2.1	The Secure Communities Process	3
2.1.1	Local LEA submits fingerprints to the FBI CJIS Division through their SIB	4
2.1.2	National Fingerprint File (NFF)	4
2.1.3	FBI CJIS Division returns IAFIS search results on fingerprint submissions	4
2.1.4	FBI CJIS Division returns a second response to the SIB	4
2.1.5	ICE issues Immigration Detainer	5
2.2	Requested Local LEA Cooperative Actions	6
2.2.1	Abide by Immigration Detainer conditions	6
2.2.2	Place detainer in subject's file/record	6
2.2.3	Inform ICE if subject is transferred or released	6
2.2.4	Allow access to detainees	6
2.2.5	Assist ICE in acquiring information about detainees	6
2.2.6	Process IDR/IARs according to FBI CJIS and US-VISIT policy	6
2.2.7	If authorized, discontinue automated IAQ transmissions	6
2.2.8	Outreach to Community	6
3.0	SECURE COMMUNITIES IDENTIFICATION PROCESS	7
3.1	Fingerprint Submission and Response Details	7
3.1.1	Preferred method for submitting fingerprints by the local LEA	7
3.1.2	FBI CJIS receives fingerprints and sends a copy to DHS US-VISIT	7
3.1.3	Fingerprints are searched against the FBI IAFIS and the DHS IDENT fingerprint system	7
3.1.4	IAFIS and IDENT search results are processed	7
3.1.5	LESC receives IAQ and conducts a status determination	7
3.1.6	LESC sends an IAR to FBI CJIS Division and the ICE Detention and Removal Operations (DRO) Field Office	7
3.1.7	ICE DRO Field Office issues Detainer (Form I-247)	7
3.2	ICE Actions upon Receipt of IAR	8
3.2.1	Determine subject's alienage and removability	8
3.2.2	Interview subject (if necessary)	8
3.2.3	Issue detainer if subject is charged with a Level 1 offense	8
3.2.4	Take custody of subject	8
3.2.5	Removal of subject with pending charges	8
4.0	APPENDIX A Secure Communities Levels and Offense Categories by NCIC Code	9
5.0	APPENDIX B Acronyms and Abbreviations	10
6.0	APPENDIX C Sample Immigration Detainer, Form I-247	11

1.0 INTRODUCTION

The Secure Communities (SC) initiative makes the removal of aliens convicted of serious criminal offenses from the United States a priority. The SC initiative's three main objectives are: (1) identify aliens in federal, state, and local custody charged with or convicted of serious criminal offenses who are subject to removal and at large aliens convicted of a serious criminal offense who are subject to removal; (2) prioritize enforcement actions to ensure apprehension and removal of aliens convicted of serious criminal offenses; and (3) transform criminal alien enforcement processes and systems to achieve lasting results.

The premise behind SC technology is biometric interoperability between the Department of Justice (DOJ) Federal Bureau of Investigation's (FBI) Criminal Justice Information Services Division (CJIS) Integrated Automated Fingerprint Identification System (IAFIS) and the Department of Homeland Security's (DHS) United States Visitor and Immigrant Status Indicator Technology's (US-VISIT) Automated Biometric Identification System (IDENT). The IDENT/IAFIS Interoperability interface connects the FBI fingerprint system housed in the FBI's CJIS Division with a DHS fingerprint system maintained by the US-VISIT program. Through IDENT/IAFIS Interoperability, a single query by a participating local law enforcement agency (LEA) checks both systems and confirms the identity and immigration status of a subject being processed during incarceration booking.

This Standard Operating Procedures (SOP) document details SC processes that enable response messages to be routed to the FBI CJIS Division and individual State Identification Bureaus (SIBs). The SOP also documents ICE's roles and responsibilities as an SC partner.

Participation in SC at the state level is predicated on a Memorandum of Agreement (MOA), signed by ICE and the participating SIB or other state authorized agency. SC is separate from the ICE 287(g) program and, as such, participation in SC will not adversely affect local agency participation in ICE 287(g) activities.¹

Use of IDENT/IAFIS for the purposes of racial and/or ethnic profiling or other activity in violation of the Fourth Amendment of the United States Constitution is not permitted and may result in the suspension of the local jurisdiction engaged in the improper activity. ICE reserves the right to take appropriate remedial action if necessary.

2.0 STANDARD OPERATING PROCEDURES

2.1 The Secure Communities Process

The SC process leverages existing FBI CJIS Division business practices to identify aliens convicted of a serious criminal offense. At the time of each booking, participating LEAs submit fingerprints to their SIB. The SIB electronically transmits the fingerprints to the FBI CJIS Division. However, National Fingerprint File (NFF) states send fingerprints to the FBI CJIS Division only at the time of the subject's initial arrest. Thereafter, criminal bookings occurring subsequent to an initial arrest in NFF states result in transmission of a Criminal Print IDENT (CPI) file maintenance message to the FBI CJIS Division. The following sub-

¹ If future clarification becomes necessary, SC may make enhancements to this SOP.

sections of the SOP describe the process used to confirm the identities of aliens convicted of a serious criminal offense who are subject to removal.

2.1.1 Local LEA submits fingerprints to the FBI CJIS Division through their SIB:

As appropriate, the local LEA will submit a Criminal Ten-Print Submission (Answer Required) (CAR) transaction, in accordance with FBI CJIS Division procedures, to its SIB. SIB will electronically send the fingerprints to the FBI CJIS Division. FBI CJIS' receipt of the CAR will initiate both IAFIS and IDENT searches. There is no change in IAFIS processing.

2.1.2 National Fingerprint File (NFF): The FBI maintains only one criminal fingerprint card per individual per NFF state in which there has been an arrest. Subsequent arrest fingerprint cards from a state where the individual was previously arrested are retained at the state level. When there is a subsequent arrest of a subject in an NFF state, rather than forwarding a CAR, SIB will send a CPI file maintenance message to FBI CJIS. FBI CJIS' receipt of the CPI file maintenance message will initiate an IDENT.

2.1.2.1 The process for an initial arrest in an NFF state is described in 2.1.1 above.

2.1.2.2 The process for the CPI message is as follows:

- FBI CJIS receives CPI notification via National Crime Information Center (NCIC)/Interstate Identification Index (III). The CPI message contains the instant charge(s) for which the subject is being booked
- FBI CJIS utilizes the FBI number included in the CPI message to retrieve fingerprint images from the master record
- FBI CJIS forwards the fingerprint images to the IDENT repository

2.1.3 FBI CJIS Division returns IAFIS search results on fingerprint submissions:

SC's IDENT/IAFIS Interoperability component will not interfere with the current processes used by FBI CJIS to return IAFIS' Submissions Results-Electronic (SRE) responses to the requesting state. The originating local LEA will continue to receive FBI IAFIS responses to fingerprint submissions through its SIB.

2.1.4 FBI CJIS Division returns a second response to the SIB:

If there is a positive fingerprint match in IDENT, FBI CJIS will send an automatic Immigration Alien Query (IAQ) to the ICE Law Enforcement Support Center (LESC). LESL then makes an immigration status determination on the subject and simultaneously sends that status determination, known as an Immigration Alien Response (IAR), to FBI CJIS Division and to the ICE Field Office responsible for the contributing LEA. FBI CJIS will then return the IAR, along with an IDENT Data Response (IDR), to the SIB via the CJIS Wide Area Network (WAN) using the same channel as the current IAFIS SRE. This response is known as the "match IDR/IAR" message. If the state employs message routing, the SIB will route this additional message to the local LEA.

The first portion of the match IDR/IAR message contains biographic information on up to five DHS encounters with that individual, and may include: full name, date of birth (DOB), place of birth (POB), gender, system record locator, and photograph (if

available). The second portion of the IDR/IAR message is the IAR. The IAR is the LESC status determination regarding the subject's alienage as well as the subject's possible removability.

If there has been a fingerprint match, and the state has implemented message routing to local LEAs, and IDR/IAR message will be sent to the SIB within four hours of FBI CJIS receiving the subject's fingerprints. If there is no fingerprint match, no IAQ is generated by the FBI CJIS Division, and if the state has implemented message routing, a no match IFR will automatically be sent to the originating local LEA through the SIB within 24 hours of the fingerprint submission.

Initial CAR transactions from NFF states will receive an additional SRE from FBI CJIS through the same channel as the current IAFIS SRE. If there is a match, the SRE will consist of the joint IDR/IAR. If there is no match, the SRE will consist of a "no match" IDR. **Note:** NFF states will also receive an additional SRE response to CPI messages. Ordinarily, CPI messages submitted by NFF states would not result in an SRE from the FBI CJIS Division.

2.1.5 ICE issues Immigration Detainer:

For SC purposes, Level 1 offenses include the following state or federal crimes: national security violations, homicide, kidnapping, sexual assault, robbery, aggravated assault, threats of bodily harm, extortion or threat to injure a person, sex offenses, cruelty toward child or spouse, resisting an officer, weapons violations, hit and run involving injury or death, and drug offenses involving a sentencing to a term of imprisonment greater than one year. Level 2 offenses are primarily property crimes and Level 3 offenses are other crimes, primarily misdemeanors. Offenses that comprise Levels 1, 2 and 3 are included in Appendix A.

When ICE determines an alien has been charged or convicted of a Level 1 offense that could result in removal, or when an alien who is already subject to removal is charged with a Level 1 offense, ICE will file an Immigration Detainer (Form I-247) at the time of booking with the local LEA that has custody of the alien. Appendix C contains a sample Form I-247. ICE recognizes the arrested alien may be released before the detainer is issued. In such instances, ICE may request the local LEA's provide information on the alien's identification and location.

2.2 Requested Local LEA Cooperative Actions

The local LEAs cooperation is vital to completing the processes of identifying, detaining and removing aliens convicted of serious criminal offenses. The LEAs cooperative actions will help ensure the identification, detention and removal process is effective and efficient. ICE requests that the LEAs:

2.2.1 Abide by Immigration Detainer conditions:

The local LEA will abide by the conditions stated in the Immigration Detainer, Form I-247.

2.2.2 Place detainer in subject's file/record:

The local LEA will ensure the detainer is placed in the alien's file/record.

2.2.3 Inform ICE if subject is transferred or released:

The local LEA will notify ICE when an alien's release or transfer to another location is imminent. This notification should occur thirty days in advance of any release or transfer, or as soon as known, if less than thirty days.

2.2.4 Allow access to detainees:

The local LEA will allow ICE Agents and Officers access to detainees to conduct interviews and serve documents.

2.2.5 Assist ICE in acquiring information about detainees:

The local LEA will locate and identify the booking and/or detention information on any alien against whom ICE has lodged a detainer.

2.2.6 Process IDR/IARs according to FBI CJIS and US-VISIT policy:

The local LEA will comply with FBI CJIS and US-VISIT rules and regulations when processing IDR/IAR message transmissions.

2.2.7 If authorized, discontinue automated IAQ transmissions:

In some jurisdictions, an automated IAQ message is transmitted to LESC when a subject's POB is entered as "unknown" or "other than United States" during the booking process. Where the local LEA has the authority and discretion to do so, upon deployment of IDENT-IAFIS Interoperability, the local LEA will discontinue such automated IAQ processing. IDENT-IAFIS Interoperability automatically performs a function similar to the automated process, making blind booking an unnecessary duplication. However, if a "no match" IDR is received, the LEA has the option of initiating a name-based query to the LESC through the National Law Enforcement Telecommunications System (NLETS).

2.2.8 Outreach to Community:

Participating LEAs are encouraged to include SC in community policing and other citizen outreach activities. Where possible, LEAs, in coordination with the local ICE DRO office, are encouraged to explain this initiative to civic and other non-governmental organizations through departmental engagement channels.

3.0 SECURE COMMUNITIES IDENTIFICATION PROCESS

3.1 Fingerprint Submission and Response Details

This section of the SOP describes the process ICE will use to confirm the identities of removable aliens who have been charged with, or convicted of, serious criminal offenses.

3.1.1 Preferred method for submitting fingerprints by the local LEA:

Fingerprints from the LEA are electronically submitted to IAFIS. This fingerprint submission should occur at the earliest possible point in the booking process.

3.1.2 FBI CJIS receives fingerprints and sends a copy to DHS US-VISIT:

When FBI CJIS receives fingerprints submitted by the local LEA, and a copy is automatically forwarded to US-VISIT. CAR and CPI file maintenance messages will be forwarded to US-VISIT for fingerprint searches in IDENT.

3.1.3 Fingerprints are searched against the FBI IAFIS and the DHS IDENT fingerprint systems:

Fingerprints are simultaneously searched against IAFIS and IDENT fingerprint repositories. The process for routing IAFIS fingerprint submissions and responses remains unchanged, and the same process will continue under SC.

3.1.4 IAFIS and IDENT search results are processed:

If there is a positive fingerprint match in IDENT, FBI CJIS generates an IAQ that is sent to the LESC. In states where the SIB has implemented message routing to local LEAs, a “no match” in IDENT will result in FBI CJIS sending of a “No Match” IDR message to the originating local LEA through its SIB. No IAQ will be generated or sent to the LESC in the case of an IDENT “no match” response. Please refer to Section 2.2.7 to initiate an IAQ if a “no match” IDR response is received.

3.1.5 LESC receives IAQ and conducts status determination:

The LESC receives the IAQ from FBI CJIS and initiates an immigration check to determine both the alien’s immigration status and criminal history.

3.1.6 LESC sends an IAR to FBI CJIS Division and the ICE Detention and Removal Operations (DRO) Field Office:

LESC creates an IAR denoting the alien’s immigration status, criminal conviction history and pending criminal charges. In case of a fingerprint match in IDENT, within four hours of submitting fingerprints to IAFIS and IDENT, LESC returns the IAR to FBI CJIS. The LESC concurrently sends an IAR to the local ICE DRO Office.

3.1.7 ICE DRO Field Office issues Detainer (Form I-247):

Upon receipt of the IAR from the LESC, ICE will determine whether a detainer (Form I-247) should be lodged against the alien. If a detainer is determined to be appropriate, the ICE Field Office will lodge the detainer with the local LEA.

3.2 ICE Actions upon Receipt of IAR

Actions described in this section are the steps ICE will take after a determination is made regarding the alien's immigration status and criminal charge.

3.2.1 Determine subject's alienage and removability:

ICE alone will determine the subject's alienage and removability. When necessary, ICE will interview the subject to determine or validate alienage, criminal history and removability.

3.2.2 Interview subject (if necessary):

Subject interviews may be conducted in person, telephonically, or through video teleconferencing (VTC).

3.2.3 Issue detainer if subject is charged with a Level 1 offense:

Once ICE determines the subject has previous serious criminal convictions, or is currently charged with a serious criminal offense considered to be a Level 1 offense and is removable, ICE will lodge an Immigration Detainer (Form I-247).

3.2.4 Take custody of subject:

In accordance with the language in the ICE Immigration Detainer (Form I-247), ICE will assume custody of the alien within 48 hours (not counting Saturdays, Sundays, or federal holidays) of notification of the subject's release. Upon taking an alien convicted of a serious criminal offense into custody, ICE will take immediate action to remove such aliens.

3.2.5 Removal of subject with pending charges:

Normally, ICE will not remove an alien until pending criminal charges are adjudicated. If ICE desires to remove an alien whose charges have not been adjudicated, ICE will make all efforts to inform the local LEA, the prosecutor and the court with jurisdiction over the criminal offense on the status of the subject's removal proceedings.

4.0 APPENDIX A

Secure Communities Levels and Offense Categories by NCIC Code

Level 1 Crimes (NCIC Code)	Level 2 Crimes (NCIC Code)	Level 3 Crimes (NCIC Code)
National Security* (0101-0199, 1602, 5204-5299)	Arson (2001-2099)	Military (0201, 0299)
Homicide (0901-0999)	Burglary (2201-2299)	Immigration (0301-0399)
Kidnapping (1001-1099)	Larceny (2301-2399)	Extortion (2102-2199)
Sexual Assault (1101-1199)	Stolen Vehicles (2401-2411, 2499)	Damage Property (2901-2903)
Robbery (1201-1299)	Forgery (2501-2599)	Family Offenses (3801, 3804-3899)
Aggravated Assault (1301-1399)	Fraud (2601-2699)	Gambling (3901-3999)
Threats (1601)	Embezzlement (2701-2799)	Commercialized Sex Offenses (4001-4099)
Extortion –Threat to Injure Person (2101)	Stolen Property (2801-2899)	Liquor (4101-4199)
Sex Offenses (3601-3699)	Damage Property w/Explosive (2904-2906)	Obstructing the Police (4802-4899)
Cruelty Toward Child, Wife (3802,3803)	Traffic Offenses (5402-5499)	Bribery (5101-5199)
Resisting an Officer (4801)	Smuggling (5801-5899)	Health and Safety (5501-5599)
Weapon (5201-5203)	Money Laundering (6300)	Civil Rights (5699)
Hit and Run (5401)	Property Crimes (7199)	Invasion of Privacy (5701-5799)
Drugs (Sentence >1 year)	Drugs (Sentence < 1 year)	Elections Laws (5999)
		Conservation (6201-6299)
		Public Order Crimes (7399)

***National Security** violations include the NCIC coded offenses of Sabotage, Sedition, Espionage, and Treason (0101-0199); Terrorist Threats (1602); and Weapons, Arson/Incendiary Devices, and Bombing offenses (5204-5299).

5.0 APPENDIX B**Acronyms and Abbreviations**

Acronym/Abbreviation	Definition
CAR	Criminal Answer Required
CJIS	Criminal Justice Information Services
CPI	Criminal Print Identification
DHS	Department of Homeland Security
DOJ	Department of Justice
DRO	Detention and Removal Operations
FBI	Federal Bureau of Investigation
IAFIS	Integrated Automated Fingerprint Identification System
IAQ	Immigration Alien Query
IAR	Immigration Alien Response
ICE	Immigration and Customs Enforcement
IDENT	US-VISIT Automated Biometric Identification System
IDR	IDENT Data Response
III	Interstate Identification Index
LEA	Law Enforcement Agency
LESC	Law Enforcement Support Center
MOA	Memorandum of Agreement
NCIC	National Crime Information Center
NLETS	National Law Enforcement Telecommunications System
SC	Secure Communities
SIB	State Identification Bureau
SOP	Standard Operating Procedures
SRE	Submission Results Electronic
US-VISIT	United States Visitor and Immigrant Status Indicator Technology

6.0 APPENDIX C

U.S. Department of Homeland Security

Immigration Detainer – Notice of Action

Subject ID :

Event No:

File No. A

Date: September 4, 2009

TO: (Name and title of institution) <p style="text-align: center;">JAIL</p>	From: (Office address) WASHINGTON, DC, (HQ) DOCKET CONTROL OFFICE DOCKET CONTROL OFFICE HEADQUARTERS 425 I STREET NW WASHINGTON, DC 20536
--	---

Name of alien: _____

Date of birth: _____ Nationality: _____ Sex: _____

You are advised that the action noted below has been taken by the U.S. Department of Homeland Security concerning the above-named inmate of your institution:

- Investigation has been initiated to determine whether this person is subject to removal from the United States.
- A Notice to Appear or other charging document initiating removal proceedings, a copy of which is attached, was served on _____ (Date)
- A warrant of arrest in removal proceedings, a copy of which is attached, was served on _____ (Date)
- Deportation or removal from the United States has been ordered.

It is requested that you:

Please accept this notice as a detainer. This is for notification purposes only and does not limit your discretion in any decision affecting the offender's classification, work, and quarters assignments, or other treatment which he or she would otherwise receive.

- Federal regulations (8 CFR 237.7) require that you detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sunday's and Federal holidays) to provide adequate time for DHS to assume custody of the alien. You may notify DHS by calling _____ during business hours or _____ after hours in an emergency.
- Please complete and sign the bottom block of the duplicate of this form and return it to this office. A self-addressed stamped envelope is enclosed for your convenience. Please return a signed copy via facsimile to _____ (Area code and facsimile number)

Return fax to the attention of _____, at _____ (Name of officer handling case) (Area code and phone number)

- Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- Notify this office in the event of the inmate's death or transfer to another institution.
- Please cancel the detainer previously placed by this Office on _____

DAVID L. BYERS

(Signature of Immigration Officer)

DETENTION AND DEPORTATION OFFICER

(Title of Immigration Officer)

Receipt acknowledged:

Date of last conviction: _____ Latest conviction charge: _____

Estimated release date: _____

Signature and title of official: _____

Form I-247 (Rev. 08/01/07)

B

6.0 APPENDIX C

U.S. Department of Homeland Security

Immigration Detainer – Notice of Action

Subject ID:
Event No:
File No. A:
Date: September 4, 2009

TO: (Name and title of institution) JAIL	From: (Office address) WASHINGTON, DC, (HQ) DOCKET CONTROL OFFICE DOCKET CONTROL OFFICE HEADQUARTERS 425 I STREET NW WASHINGTON, DC 20535
---	---

Name of alien: _____

Date of birth: _____ Nationality: _____ Sex: _____

You are advised that the action noted below has been taken by the U.S. Department of Homeland Security concerning the above-named inmate of your institution:

- Investigation has been initiated to determine whether this person is subject to removal from the United States.
- A Notice to Appear or other charging document initiating removal proceedings, a copy of which is attached, was served on _____ (Date)
- A warrant of arrest in removal proceedings, a copy of which is attached, was served on _____ (Date)
- Deportation or removal from the United States has been ordered.

It is requested that you:

Please accept this notice as a detainer. This is for notification purposes only and does not limit your discretion in any decision affecting the offender's classification, work, and quarters assignments, or other treatment which he or she would otherwise receive.

- Federal regulations (8 CFR 237.7) require that you detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sundays and Federal holidays) to provide adequate time for DHS to assume custody of the alien. You may notify DHS by calling _____ during business hours or _____ after hours in an emergency.

- Please complete and sign the bottom block of the duplicate of this form and return it to this office. A self-addressed stamped envelope is enclosed for your convenience. Please return a signed copy via facsimile to _____ (Area code and facsimile number)

Return fax to the attention of _____ of _____ (Name of officer handling case) (Area code and phone number)

- Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- Notify this office in the event of the inmate's death or transfer to another institution.
- Please cancel the detainer previously placed by this Office on _____

(Signature of Immigration Officer) DETENTION AND DEPORTATION OFFICER
(Title of Immigration Officer)

Receipt acknowledged:

Date of last conviction: _____ Latest conviction charge: _____

Estimated release date: _____

Signature and title of official: _____

C

THE Nation.

America's Secret ICE Castles

by JACQUELINE STEVENS

December 16, 2009

This article appeared in the January 4, 2010 edition of The Nation.

"If you don't have enough evidence to charge someone criminally but you think he's illegal, we can make him disappear." Those chilling words were spoken by James Pendergraph, then executive director of Immigration and Customs Enforcement's (ICE) Office of State and Local Coordination, at a conference of police and sheriffs in August 2008. Also present was Amnesty International's Sarnata Reynolds, who wrote about the incident in the 2009 report "Jailed Without Justice" and said in an interview, "It was almost surreal being there, particularly being someone from an organization that has worked on disappearances for decades in other countries. I couldn't believe he would say it so boldly, as though it weren't anything wrong."



AVENGING ANGELS

Pendergraph knew that ICE could disappear people, because he knew that in addition to the publicly listed field offices and detention sites, ICE is also confining people in **186 unlisted and unmarked subfield offices**, many in suburban office parks or commercial spaces revealing no information about their ICE tenants--nary a sign, a marked car or even a US flag. (Presumably there is a flag at the Veterans Affairs Complex in Castle Point, New York, but no one would associate it with the Criminal Alien Program ICE is running out of Building 7.) Designed for confining individuals in transit, with no beds or showers, subfield offices are not subject to ICE Detention Standards. The subfield office network was mentioned in an October report by Dora Schriro, then special adviser to Janet Napolitano, secretary of Homeland Security, but no locations were provided.

I obtained a partial list of the subfield offices from an ICE officer and shared it with immigrant advocates in major human and civil rights organizations, whose reactions ranged from perplexity to outrage. Andrea Black, director of Detention Watch Network (DWN), said she was aware of some of the subfield offices but not that people were held there. ICE never provided DWN a list of their locations. "This points to an overall lack of transparency and even organization on the part of ICE," said Black. ICE says temporary facilities in field or subfield offices are used for 84 percent of all book-ins. There are twenty-four listed field offices. The 186 unlisted subfield offices tend to be where local police and sheriffs have formally or informally reached out to ICE. For instance, in 2007 North Carolina had 629,947 immigrants and at least six subfield offices, compared with Massachusetts, with 913,957 immigrants and one listed field office. Not surprisingly, before joining ICE Pendergraph, a sheriff, was the Joe Arpaio of North Carolina, his official bio stating that he "spearheaded the use of the 287(g) program," legislation that empowers local police to perform immigration law enforcement functions.

A senior attorney at a civil rights organization, speaking on background, saw the list and exclaimed, "You cannot have secret detention! The public has the right to know where detention is happening."

Alison Parker, deputy director of Human Rights Watch, wrote a December comprehensive report on ICE transit policies, "Locked Up Far Away." Even she had never heard of the subfield offices and was concerned that the failure to disclose their locations violates the UN's Covenant on Civil and Political Rights, to which the United States is a signatory. She explained that the government must provide "an impartial authority to review the lawfulness of custody. Part and parcel is the ability of somebody to find the person and to make their presence known to a court."

The challenge of being unable to find people in detention centers, documented in the Human Rights Watch report, is worsened when one does not even know where to look. The absence of a real-time database tracking people in ICE custody means ICE has created a network of secret jails. Subfield offices enter the time and date of custody after the fact, a situation ripe for errors, hinted at in the Schriro report, as well as cover-ups.

ICE refused a request for an interview, selectively responded to questions sent by e-mail and refused to identify the person authorizing the reply--another symptom of ICE thwarting transparency and hence accountability. The anonymous official provided no explanation for ICE not posting a list of subfield office locations and phone numbers or for its lack of a real-time locator database.

It is not surprising to find that, with no detention rules and being off the map spatially and otherwise, ICE agents at these locations are acting in ways that are unconscionable and unlawful. According to Ahilan Arulanantham, director of Immigrant Rights for the ACLU of Southern California, the Los Angeles subfield office called B-18 is a barely converted storage space tucked away in a large downtown federal building. "You actually walk down the sidewalk and into an underground parking lot. Then you turn right, open a big door and *voilà*, you're in a detention center," Arulanantham explained. Without knowing where you were going, he said, "it's not clear to me how anyone would find it. What this breeds, not surprisingly, is a whole host of problems concerning access to phones, relatives and counsel."

It's also not surprising that if you're putting people in a warehouse, the occupants become inventory. Inventory does not need showers, beds, drinking water, soap, toothbrushes, sanitary napkins, mail, attorneys or legal information, and can withstand the constant blast of cold air. The US residents held in B-18, as many as 100 on any given day, were treated likewise. B-18, it turned out, was not a transfer area from point A to point B but rather an irrationally revolving stockroom that would shuttle the same people briefly to the local jails, sometimes from 1 to 5 am, and then bring them back, shackled to one another, stooped and crouching in overpacked vans. These transfers made it impossible for anyone to know their location, as there would be no notice to attorneys or relatives when people moved. At times the B-18 occupants were left overnight, the frigid onslaught of forced air and lack of mattresses or bedding defeating sleep. The hours of sitting in packed cells on benches or the concrete floor meant further physical and mental duress.

Alla Suvorova, 26, a Mission Hills, California, resident for almost six years, ended up in B-18 after she was snared in an ICE raid targeting others at a Sherman Oaks apartment building. For her, the worst part was not the dirt, the bugs flying everywhere or the clogged, stinking toilet in their common cell but the panic when ICE agents laughed at her requests to understand how long she would be held. "No one could visit; they couldn't find me. I was thinking these people are going to put me and the other people in a grinder and make sausages and sell them in the local market."

Sleep deprivation and extreme cold were among the "enhanced interrogation" techniques promoted by the Bush White House and later set aside by the Justice Department because of concerns that they amounted to torture. Although without the intent to elicit information, ICE under the Obama

administration was holding people charged with a civil infraction in conditions approaching those no longer authorized for accused terrorists.

According to Aaron Tarin, an immigration attorney in Salt Lake City, "Whenever I have a client in a subfield office, it makes me nervous. Their procedures are lax. You've got these senior agents who have all the authority in the world because they're out in the middle of nowhere. You've got rogue agents doing whatever they want. Most of the buildings are unmarked; the vehicles they drive are unmarked." Like other attorneys, Tarin was extremely frustrated by ICE not releasing its phone numbers. He gave as an example a US citizen in Salt Lake City who hired him because her husband, in the process of applying for a green card, was being held at a subfield office in Colorado. By the time Tarin tracked down the location of the facility that was holding the husband when he had called his wife, the man had been moved to another subfield office. "I had to become a little sleuth," Tarin said, describing the hours he and a paralegal spent on the phone, the numerous false leads, unanswered phones and unreturned messages until the husband, who had been picked up for driving without a license or insurance, was found in Grand Junction, Colorado, held on a \$20,000 bond, \$10,000 for each infraction. "I argued with the guy, 'This is absurd! Whose policy is this?'" Tarin said the agent's response was, "That's just our policy here."

Rafael Galvez, an attorney in Maine, explained why he would like ICE to release its entire list of subfield office addresses and phone numbers. "If they're detaining someone, I will need to contact the people on the list. If I can advocate on a person's behalf and provide documents, a lot of complications could be avoided."

Cary, a suburb of Raleigh, North Carolina, has a typical subfield office at the rear of CentreWest Commons, an office park adjacent to gated communities, large artificial ponds and an Oxford University Press production plant. ICE's low-lying brick building with a bright blue awning has darkened windows, no sign and no US flag. People in shackles and handcuffs are shuffled in from the rear. The office complex has perhaps twenty other businesses, all of which do have signs. The agents, who are armed, might not wear uniforms and drive their passengers in unmarked, often windowless white vans. Even Dani Martinez-Moore, who lives nearby and coordinates the North Carolina Network of Immigrant Advocates, did not know people were being held there until she read about it on my blog.

In late October 2008, Mark Lyttle, then 31, was held in the Cary office for several hours. Lyttle was born in North Carolina, and the FBI file ICE had obtained on him indicated he was a US citizen. Lyttle used his time in the holding tank attempting to persuade the agents who had plucked him out of the medical misdemeanor section of a nearby prison, where he had been held for seventy-three days, not to follow through on the Cary office's earlier decision to ship him to Mexico. Lyttle is cognitively disabled, has bipolar disorder, speaks no Spanish and has no Mexican relatives. In response to his entreaties, a Cary agent "told me to tell it to the judge," Lyttle said. But Lyttle's charging document from the Cary office includes a box checked next to the boilerplate prohibition: "You may not request a review of this determination by an immigration judge."

Lyttle made enough of a fuss at the Stewart Detention Center in Lumpkin, Georgia, that the agents there arranged for him to appear before a judge. But the checked box in the Cary paperwork meant he never heard from the nonprofit Legal Orientation Program attorneys who might have picked up on his situation. William Cassidy, a former ICE prosecutor working for the Executive Office of Immigration Review, ignored Lyttle's pleas and in his capacity as immigration judge signed Lyttle's removal order. According to Lyttle, Cassidy said he had to go by the sworn statements of the ICE officers.

Meanwhile, Lyttle's mother, Jeanne, and his brothers, including two in the Army, were frantically

searching for him, even checking the obituaries. They were trying to find Lyttle in the North Carolina prison system, but the trail went cold after he was transferred to ICE custody. Jeanne said, "David showed me the Manila envelope [he sent to the prison]--'Refused'--and we thought Mark had refused it." Jeanne was crying. "We kept trying to find out where he was." It never crossed their minds that Mark might be spending Christmas in a shelter for *los deportados* on the Mexican side of the Rio Grande.

ICE spokesman Temple Black first told me the list was "not releasable" and that it was "law enforcement sensitive," but coordinator for community outreach Andrew Lorenzen-Strait e-mailed me a partial list of addresses and no phone numbers. I then obtained a more complete list, including telephone numbers, in response to a FOIA request. That list, received in November and dated September 2009, is about forty locations shy of the 186 subfield offices mentioned in the Schriro report and omits thirty-nine locations listed in an August ICE job announcement seeking applicants for immigration enforcement agents. These include ICE postings in Champlain, New York; Alamosa, Colorado; Pembroke Pines, Florida; and Livermore, California. The anonymous ICE official neither answered questions about why I was sent an incomplete list nor accounted for the disparity in official explanations of the list's confidentiality.

ICE obscures its presence in other ways as well. Everyone knows that detention centers are in sparsely populated areas, but according to Amnesty International's Reynolds, policy director of migrant and refugee rights, "Quite a lot of communities don't know they're detaining thousands of people, because the signs say Service Processing Center," not Detention Center, although the latter designation is used for privately contracted facilities. The ICE e-mail stated that the "service processing" term was first used when the centers were run by the predecessor agency Immigration and Naturalization Service, "because these facilities were used to process aliens for deportation," ignoring the fact that these structures were and are distinctive for confining people and not the Orwellian "processing."

Even the largest complexes, which are usually off side roads from small highways, are visible only if you drive right up to the entrance. Unlike federal prisons, detention centers post no road signs to guide travelers. The anonymous ICE official would not provide a reason for this disparity.

ICE agents are also working in hidden offices in one of the grooviest buildings in one of the hottest neighborhoods in Manhattan. Tommy Kilbride, an ICE detention and removal officer and a star of A&E's reality show *Manhunters: Fugitive Task Force*, is part of the US Marshals Fugitive Task Force, housed on the third floor of the Chelsea Market, above Fat Witch Bakery and alongside Rachael Ray and the Food Network. Across the street are Craftsteak and Del Posto, both fancy venues for two other Food Network stars, Tom Colicchio and Mario Batali. Above their restaurants are agents working for the FBI's Joint Terrorism Task Force.

Someone who had been working in that building for about a year said he had heard rumors of FBI agents, though he didn't see one until nine months later when a guy was openly carrying a gun through the lobby. In November, at midday, he saw two men in plain clothes walk a third man in handcuffs through a side-street door behind Craftsteak. "It was weird, creepy," he said, adding that the whole arrangement made him uncomfortable. "I don't like it. It makes you wonder, what are they hiding? Is it for good reasons or bad reasons?"

Natalie Jeremijenko, who lives nearby and is a professor of visual arts at New York University, pointed out the "twisted genius" of hiding federal agents in the "worldwide center of visuality and public space," referring to the galleries and High Line park among these buildings. Jeremijenko was incensed. "For a participatory democracy to work, you need to have real-time visual evidence of what is going on" and not just knowledge by professors who file a FOIA request or even readers of a *Nation* article.

In response to a question about the absence of signs at subfield offices, the ICE e-mail stated, "ICE attempts to place signs wherever possible, however there are many variables to consider such as shared buildings, law enforcement activities, zoning laws, etc." Except for "law enforcement activities," the reasons did not apply to the facilities listed here, as evidenced by signs on adjacent businesses.

The Obama administration continued to ignore complaints about the LA subfield office known as B-18 until April 1, when Napolitano and Attorney General Eric Holder, as well as ICE officials, were named as defendants in a lawsuit filed by the ACLU and the National Immigration Law Center. In September, the parties reached a settlement. The ACLU's Arulanantham said, "I never understood what [ICE] had to gain. The fact that after we filed the suit they completely fixed it makes it more mysterious" as to why their months of earlier negotiation brought few results. At the time of the lawsuit, he said, the nearby Mira Loma Detention Center had space. When I asked if ICE was trying to punish people by bringing them to B-18, Arulanantham said, "No, no one was targeted," adding, "If it were punitive, it would be less disturbing."

Arulanantham's response is, alas, more than fodder for a law school hypothetical about whether intentional or unintentional rights violations are more egregious. In 2006 ICE punished several Iraqi hunger strikers in Virginia--they were protesting being unlawfully held for more than six months after agreeing to deportation--by shuffling them between a variety of different facilities, ensuring that they would not encounter lawyers or be found by loved ones. This went on from weeks to months, according to Britney Nystrom, senior legal adviser for the National Immigration Forum. "The message was, We're going to make you disappear."

As an alternative to the system of unmarked subfield offices and unaccountable agents, consider the approach of neighborhood police precincts, where dangerous criminals are held every day and police carry out their work in full view of their neighbors. Not only can citizens watch out for strange police actions, and know where to look if a family member is missing; local accountability helps discourage misconduct. ICE agents' persistent flouting of rules and laws is abetted by their ability to scurry back to secret dens, avoiding the scrutiny and resulting inhibitions that arise when law enforcement officers develop relationships with the communities they serve.

Indeed, the jacket Kilbride wears during arrests says POLICE in large letters. Working out of a heretofore secret location--*Manhunters* has no exterior shots--one that his supervisor had requested I not reveal, gives their operation the trappings of a secret police. An attorney who had a client held in a subfield office said on background, "The president released in January a memorandum about transparency, but that's not happening. He says one thing, but we have these clandestine operations, akin to extraordinary renditions within the United States. They're misguided as to what their true mission is, and they are doing things contrary to the best interests of the country."

About Jacqueline Stevens

Jacqueline Stevens, a political theorist, is the author of the recently published *States Without Nations: Citizenship for Mortals* (Columbia). [more...](#)

Copyright © 2009 The Nation

Cancel

Field Office Contacts

Updated: September 2009

Field Office / Sub-Office	Main Office Line	Office Address
Atlanta	404-893-1210	180 Spring Street SW, Suite 522, Atlanta, GA 30303
Stewart Detention Center	229-838-1105	146 CCA Road, Lumpkin, GA 31815
Savannah	912-652-4225	49 Park of Commerce Blvd., Savannah, GA 31405
Charlotte, NC	704-672-6995	6130 Tyvola Centre Drive, Charlotte, NC 28217
Raleigh / Cary, NC	919-678-8807	140 Centrewest Court, Suite 100, Cary, NC 27513
Alamance County Detention Center	336-570-6865	100 S. Maple Street, Graham, NC 27253
Raleigh, NC	919-664-7901	330 S. Salisbury Street, Raleigh, NC 27602
Raleigh, NC	919-856-4400	300 Fayetteville Street Mall, Suite 121, Raleigh, NC 27601
Hendersonville, NC	828-694-3120	375 1st Avenue East, Hendersonville, NC 28792
Charleston, SC	843-727-4711	170 Meeting Street, Suite 501, Charleston, SC 29401
Baltimore	410-637-4000, 4001	31 Hopkins Plaza, 7th Floor, Baltimore, MD 21201
Salisbury (Eastern Shore)	410-548-4046, 4047	119 W. Naylor Mill Road, Suite 11, Salisbury, MD 21801
Boston	781-359-7500	10 New England Executive Park, Burlington, MA 01803
Hartford, CT	860-240-3012	450 Main Street, Room 511, Hartford, CT 06103
Providence, RI	401-734-8000	200 Dyer Street, Providence, RI 02903
Manchester, NH	603-625-5276	811 Canal Street
St. Albans, VT	802-527-3801	64 Gricebrook Road, St. Albans, VT 05478
Buffalo	716-551-4741 x2500	130 Delaware Avenue, Buffalo, NY 14202
Buffalo Federal Detention Facility	585-343-0814	4250 Federal Drive, Batavia, NY 14020
Albany, NY	518-220-2133	1086 Troy-Schenectady Road, Latham, NY 12110
Albany, NY	518-220-2133	1 Clinton Square, Suite 118, Albany, NY 12207
Chicago	312-347-2400	101 W. Congress Parkway, 4th floor, Chicago, IL 60605
Broadview, IL	708-449-6722	1930 Beach Street, Broadview, IL 60155
Kansas City, MO	816-880-5000	9747 NW Conant Avenue, Kansas City, MO 64153
Rock Island, IL	708-309-2250	211 19th Street, Suite M4, Rock Island, IL 64304
Indianapolis, IN	317-226-6141	950 N. Meridian Plaza, Room 400, Indianapolis, IN 46204
Louisville, KY	502-582-6526	601 W. Broadway, Room 601, Louisville, KY 40202
Wichita, KS	316-293-2435	217 W 3rd St. North, Suite 1050, Wichita, Kansas 67202
St. Louis, MO	314-539-2132	1222 Spruce Street, Room 1100, St. Louis, MO 63103
Kansas City, MO	816-880-5000	9747 NW Conant Avenue, Kansas City, MO 64153
Springfield, MO	417-865-7359	2401 W. Old Route 66, Strafford, MO 65757
Milwaukee, WI	414-287-6316	310 E. Knapp Street, Milwaukee, WI 53202
Dallas	214-905-5860	8101 N. Stemmons Freeway, Dallas, TX 75247
Lubbock, TX	806-740-0080	1205 Texas Avenue, Room 114, Lubbock, TX 79401
Big Spring, TX	432-267-7915	2001 Rickabaugh Drive, Big Spring, TX 79720
Eden, TX	325-869-5301	106 Paint Rock Road, Eden, TX 76837
Amarillo, TX	806-373-8926	8601 East Amarillo Blvd, Amarillo, TX 79109
Oklahoma City, OK	405-219-3136	4400 S.W. 44th Street, Oklahoma City, OK 73119
Tulsa, OK	918-624-2614	1656 South 101st East Avenue, Tulsa, OK 74128
Denver	720-873-2899	12445 E. Caley Avenue, Centennial, Colorado 80111
Loveland, CO	970-593-6477	350 E. 7th Street, Suite 13, Loveland, CO 80538
Aurora, CO	303-361-0723	11901 E. 30th Avenue, Aurora, CO 80010
Grand Junction, CO	970-241-3791	571 S. Commercial Drive, Grand Junction, CO 81505
Pueblo, CO	719-948-2915	32920 Walt Bassett, Pueblo, CO 81001
Cheyenne, WY	307-772-2040	308 W. 21st Street, Room 105, Cheyenne, WY 82001
Detroit	313-568-6049	333 Mt. Elliott Street, Detroit, MI 48207

Scott D. Whaley

Field Office Contacts

Updated: September 2009

Field Office / Sub-Office	Main Office Line	Office Address
Detroit, MI	313-226-5818	477 Michigan Avenue, 24th Floor, Detroit, MI 48226
Grand Rapids, MI	616-454-2206	29 Pearl Street, Suite 320, Grand Rapids, MI 49503
Columbus, OH	614-469-2900 x2037	50 W. Broad Street, Suite 306D, Columbus, OH. 43216
Cincinnati, OH	513-785-1359	123 Court Street, Hamilton, OH 45011
Cleveland, OH	216-535-0385	1240 East 9th Street, Suite 535, Cleveland, OH 44199
Detroit, MI	313-259-5291	260 Mt. Elliott Street, Detroit, MI 48207
El Paso	915-225-0885	1545 Hawkins Boulevard, El Paso, TX 79925
El Paso Service Processing Center	915-225-1903	8915 Montana Avenue, El Paso, TX 79925
El Paso Field Office	915-881-5595	6451 Boeing Drive, El Paso, TX 79925
Albuquerque, NM	505-764-3500	1720 Randolph Rd. Albuquerque, NM 87106
El Paso, Otero County Processing Center	N/A	26 McGregor Range Road, Chaparral, NM 88081
Compliance Enforcement	915-225-1721	1545 Hawkins, El Paso, Texas 79925
Pecos, TX	432-447-6200	250 E Palmer Road, Pecos, TX 79772
El Paso Service Processing Center	915-225-0700	8915 Montana Avenue, El Paso, TX 79925
Houston	281-774-4816	126 Northpoint Drive, Houston, Texas 77060
Houston CDF	281-985-8400	5520 Greens Road, Houston, Texas 77032
Houston, CDF	281-774-4816	126 Northpoint Drive, Houston, Texas 77060
Huntsville, TX	936-730-3700	7405C1 Highway South, Huntsville, Texas 77340
Livingston, TX	936-967-1700	3400 FM 350 South, Livingston, Texas 77351
Conroe, TX	936-520-5000	500 Hillbig Road, Conroe, Texas 77401
Los Angeles	213-830-7911	300 N Los Angeles St. # 7631A, Los Angeles, CA 90012
Los Angeles	213-494-8893	24000 Avila Road, Room 6120, Laguna Niguel, CA 92677
Los Angeles	714-834-4887	34 Civic Center Plaza Santa Ana, CA 92701
Los Angeles	562 980 3255	One World Trade Center, Ste. 521, Long Beach, CA 90831
Mira Loma Detention Center (Lancaster, CA)	661-940-3555	45100 60th West, Lancaster, CA 93536
San Bernardino, CA	909-386-3228	655 West Rialto Ave., San Bernardino, CA 92410
Ventura, CA	805-987-2290	7700 Paseo Camarillo #101, Camarillo, CA 93010
Ventura, CA	805-740-1122	3600 Guard Rd, Lompoc, CA 93436
Miami	954-236-4900	865 SW 78th Ave Suite A101 Plantation, FL 33322
Krome, FL	305-207-2001	18201 SW 12 ST Miami, FL 33194
Glades County, FL	863-946-0062	1297 E. SR 78 Moore Haven, FL 33471
Miami, FL	305-400-6160	333 S. Miami Ave, Miami, FL 33130
Orlando, FL	407-816-4670	9403 Tradeport Drive, Orlando, FL 32827
Orlando, FL	407-857-5203	7566 Southland Blvd. Suite 103 Orlando, FL 32809
Stuart, FL	772-461-1293 x2122	Ft Pierce RAC, 505 S. 2nd St, Ft Pierce, FL 34950
Ft. Myers, FL	239-461-3144	Ft Myers RAC, 2000 Main St., Ft Myers, FL 33901
Jacksonville, FL	904-281-8603	4121 Southpoint Blvd, Jacksonville, FL 32827
Tallahassee, FL	850-942-8301	2100 Centerville Road Tallahassee, FL 32308
Tampa, FL	813-225-7355 x5001	500 E. Zack Street, 1st Floor, Tampa, FL 33602
Tampa, FL	813-637-3070	5524 West Cypress Street, Tampa, FI 33607
Pompano, FL	954-545-6060	3900 N. Powerline Road, Pompano Beach, FL 33073
San Juan, PR	787-706-2322 x297	7 Tabonuco St, Guaynabo, Puerto Rico 00968
St. Thomas / St. Croix, USVI	340-774-1390	Nissky Center First Floor, South
Newark	973-645-3666	970 Broad Street, Room 904, Newark, NJ 07102

See the JS 11/2/02

Field Office Contacts

Updated: September 2009

Field Office / Sub-Office	Main Office Line	Office Address
Marlton, NJ	856-874-2300	4002 Lincoln Drive West, Marlton, NJ 08034
Marlton, NJ	856-810-2880	406 Lippincott Drive, Suite Q, Marlton, NJ 08053
Elizabeth Detention Center (Elizabeth, NJ)	973-622-7157	625 Evans Street, Elizabeth, NJ 07201
New Orleans	504-599-7800	1250 Poydras Ave, Suite 325, New Orleans LA 70113
Oakdale, LA	318-335-7500	1010 East Whatley Road, Oakdale, LA 71463
Nashville, TN	615-736-2036	247 Venture Circle, Nashville, TN 37228
Memphis, TN	901-544-3500	842 Virginia Run Cove, Memphis, TN 38122
Jena, LA	318-992-7800	830 Pine Hill Road, Jena, LA 71432
Jackson, MS	601-933-7426	202 Metroplex, Pearl, MS 39208
Gulfport, MS	228-214-7009	14091 Customs Blvd, Gulfport, MS 39503
Ft. Smith / Little Rock, AR	479-648-0588	4991 Old Greenwood Road, Ft. Smith, AR 72903
Etowah County, AL	256-534-8154	827 Forest Ave., Gadsden, AL 35901
Birmingham, AL	205-290-7150	234 Goodwin Crest Dr, Suite 400, Homewood, AL 35209
New York City	212-264-5085	26 Federal Plaza, New York, NY 10278
New York City, NY	646-805-6648	88 10th Ave. 3R, New York, NY 10011
Varick, New York City	212-264-5085	201 Varick Street, New York, NY 10014
Castle Point, NY	845-831-1576	VA Complex, Bldg #7, Castle Point, NY 12511
East Meadow, NY	516-572-4403	100 Carmen Ave, Trailer A, East Meadow, NY 11554
Elmhurst, NY	718-956-3101	110 Construction Way, Elmhurst, NY 11370
Philadelphia	215-656-7164	1600 Callowhill Street, 5th Floor, Philadelphia, PA 19130
York, PA	717-840-7752	3400 Concord Road, York, PA 17402
Pittsburgh, PA	412-432-2100	3000 Sidney St., Suite 100, Pittsburgh, PA 15203
Berks, PA	610-374-9115	1243 County Welfare Rd., Leesport, PA 19533
Lords Valley, PA	570-547-1546	170 Pike County Blvd, Lords Valley, PA 18428
Allenwood, PA	570-547-6903	Rt. 15, 2 miles North, White Deer, PA 17887
Allentown, PA	610-374-9112	41 North 4th Street, Allentown, PA 18101
Dover, DE	302-730-9315	1305 McD Drive, Dover, Delaware 19901
Phoenix	602-766-7030	Phoenix DRO Field Office, 2020 N. Central Ave., Suite 200, Phoenix, AZ 85004
Phoenix	602-257-5900	Phoenix DRO Operations, 2035 N. Central Avenue, Phoenix, AZ 85004
Eloy, AZ	520-464-3000	Eloy Detention Center, 1705 East Hanna Road, Eloy, AZ 85231
Tucson, AZ	520-620-7270	6431 South Country Club Road, Tucson, AZ 85713
Florence, AZ	520-868-5862	Florence Service Processing Center, Florence, AZ 85232
Yuma, AZ	928-344-0088	3911 South Pico Ave, Yuma, AZ 85365
Salt Lake City	801-313-4260	5272 S. College Dr., Suite 100, SLC, UT 84123
Provo, UT	801-426-8920	1793 W Business Park Dr., Orem, UT 84058
Ogden, UT	801-392-5020	2487 S. 1620 W., Unit E., Ogden, UT 84401
St. George, UT	435-674-8780	389 N. Industrial Road, Suite 4, St. George, UT 84770
Reno, NV	775-784-5170	1351 Corporate Blvd., Reno, NV 89502
Boise, ID	208-685-6635	1185 S. Vinnell Way, Boise, ID 83709
Las Vegas, NV	702-388-6253	3373 Pepper Lane, Las Vegas, NV 89120
Twin Falls, ID	208-734-4369	2496 Addison Ave East, Twin Falls, ID 83301
Helena, MT	406-495-2170	2800 Skyway Drive, Helena, MT 59602
Las Vegas, NV	702-388-6253	3373 Pepper Lane, Las Vegas, NV 89120
San Antonio	210-967-7056	8940 Fourwinds Drive, San Antonio, TX 78239
Harlingen, TX	956-389-7540	1717 Zoy Street, Harlingen, TX 78550
South Texas Detention Complex	210-231-4505	566 Veteran's Drive, Pearsall, TX 78061
Harlingen, TX	956-547-1700	27991 Buena Vista Blvd, Los Fresnos, TX 78566
Harlingen, TX	956-389-7800	1717 Zoy Street, Harlingen, TX 78550
Willacy, TX	956-689-1701	1800 Industrial Drive, Raymondville, TX 78580
Pearsall, TX	210-231-4505	566 Veteran's Drive, Pearsall, TX 78061
Laredo, TX	956-729-9655	4602 E. Saunders St., Laredo, TX 78041

sent to JS 11/12/09

Field Office Contacts

Updated: September 2009

Field Office / Sub-Office	Main Office Line	Office Address
Hutto, TX	512-218-3122	1001 Welch Street, Taylor, TX 76574
Del Rio, TX	830-778-7882	2401 Dodson Avenue, Del Rio, TX 78840
Austin, TX	512-236-6385	300 E. 8th Street, Austin, TX 78701
Waco, TX	254-754-6010	800 Franklin Avenue, Waco, TX 76701
San Diego	619-557-6343	880 Front Street, Suite 2232, San Diego 92101
Otay, CA (Detention Facility)	619-710-8301	446 Alta Road, Suite 5400, San Diego, CA 92158
El Centro, CA (Service Processing Center)	760-336-4600	1115 North Imperial Avenue, El Centro, CA 92243
Imperial, CA (Criminal Alien Files Center)	760-336-4768	2409 La Brucherie Road #2, Imperial, CA 92251
San Diego, CA	619-661-3151	480 Alta Road, San Diego, CA 92179
San Francisco	415-844-5512	630 Sansome Street, Rm 590 SF CA 94111
Bakersfield, CA (Fresno, Sacramento, Stockton)	661-328-4500	800 Truxtun Ave, 1st Floor
Bakersfield, CA	661-328-4500	Bakersfield, CA 93301
Agana, Guam	808-532-2744	595 Ala Moana Blvd, Honolulu, Hawaii 96813
Seattle	206-835-0650	12500 Tukwila International Blvd, Seattle, WA 98168-25006
Tacoma, WA	253-779-6000	NW Detention Center, 1623 East J Street, Tacoma, WA 98421
Yakima, WA	509-457-9258	3701 River Road, Yakima, WA 98902
Anchorage, AK	907-271-3106	620 East 10th Ave, Anchorage, AK 99513
Portland, OR	503-326-4165	511 Northwest Broadway, Portland, OR 97209
Eugene, OR	541-465-6647	211 East 7th Ave, Eugene, OR 97401
Medford, OR	541-776-3948	3715 International Way, Medford, OR 97504
St. Paul	952-953-2550	2901 Metro Dr., STE 100, Bloomington, MN 55425
Omaha, NE	402-536-4861	1717 Avenue H, Omaha, NE 68110
Des Moines, IA	515-323-2072	210 Walnut Street, Des Moines, IA 50309
Omaha, NE	402-536-4861	1717 Avenue H, Omaha, NE 68110
Grand Island, NE	308-381-6594	220 Walnut Street, Grand Island, NE 68801
Sioux Falls, SD	605-330-4276	300 E. 8th Street, Sioux Falls, SD 57103
Cedar Rapids, IA	319-286-4660	401 First Street, SE, Cedar Rapids, IA 52401
St. Paul	701-775-6654	1209 N 47th Street, Grand Forks, ND 58203
St. Paul	952-853-2550	2901 Metro Dr., STE 100, Bloomington, MN 55425
St. Paul	605-348-4044	1675 Samco Road, Rapid City, SD 57702
St. Paul	712-255-5781	1400 Pierce Street, Sioux City, IA 51105
St. Paul	308-534-6470	315 Eugene Street, North Platte, NE 69103
Washington	703-285-6301	2675 Prosperity Ave., Fairfax, VA 22031
Harrisonburg, VA	540-432-2358	263 Neff Ave., Harrisonburg, VA 22801
Richmond, VA	804-643-2695	400 N. St. Room 816., Richmond, VA 23219
Roanoke, VA	N/A	301 1st SW, Roanoke, VA 24011

sent by 2010/10/13

D

5.0 APPENDIX B

Acronyms and Abbreviations

Acronym/Abbreviation	Definition
CAR	Criminal Answer Required
CJIS	Criminal Justice Information Services
CPI	Criminal Print Identification
DHS	Department of Homeland Security
DOJ	Department of Justice
DRO	Detention and Removal Operations
FBI	Federal Bureau of Investigation
IAFIS	Integrated Automated Fingerprint Identification System
IAQ	Immigration Alien Query
IAR	Immigration Alien Response
ICE	Immigration and Customs Enforcement
IDENT	US-VISIT Automated Biometric Identification System
IDR	IDENT Data Response
III	Interstate Identification Index
LEA	Law Enforcement Agency
LESC	Law Enforcement Support Center
MOA	Memorandum of Agreement
NCIC	National Crime Information Center
NLETS	National Law Enforcement Telecommunications System
SC	Secure Communities
SIB	State Identification Bureau
SOP	Standard Operating Procedures
SRE	Submission Results Electronic
US-VISIT	United States Visitor and Immigrant Status Indicator Technology

E

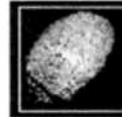


SECURE COMMUNITIES FACT SHEET

Secure Communities: Mission

Secure Communities is a comprehensive Department of Homeland Security (DHS) initiative to modernize the criminal alien enforcement process. It supports public safety by strengthening efforts to identify and remove the most dangerous criminal aliens from the United States. Congress appropriated \$1.4 billion to U.S. Immigration and Customs Enforcement (ICE) for criminal alien enforcement efforts.

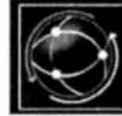
Secure Communities is built on three pillars that address the frequent challenges associated with accurately identifying and successfully removing criminal aliens from the United States.



Identify criminal aliens through modernized information sharing



Prioritize enforcement actions to ensure apprehension and removal of dangerous criminal aliens



Transform criminal alien enforcement processes and systems to achieve lasting results



IDENTIFY The Challenge:

Arrestees often use aliases and furnish other false biographic data, which can make it difficult to properly determine their immigration status. Relying on this biographic data alone slows federal officials' ability to accurately and efficiently identify the immigration history of criminals booked into local custody, and on probation and parole.

The Solution: Modernize Criminal Alien Identification Using Biometrics

New technology being deployed across the country enables the criminal alien's fingerprints to be checked against DHS's biometric database. 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.

ICE, along with the FBI and DHS's US-VISIT Program provide the technology to help local law enforcement agencies (LEAs) complete an **integrated records check** to determine both the criminal history and immigration status of individuals in their custody.

A single submission of fingerprints as part of the normal criminal booking process automatically checks for information in both the Integrated Automated Fingerprint Identification System (IAFIS) of the FBI's Criminal Justice Information Services (CJIS) Division and the Automated Biometric Identification System (IDENT) of DHS's US-VISIT Program.

The LEA continues to be notified when there is a positive identification within IAFIS. Now, both ICE and the LEA can be notified when a match occurs in IDENT.

ICE evaluates each case to determine the individual's immigration status and communicate their findings to local law enforcement within a few hours.



SECURE COMMUNITIES FACT SHEET



PRIORITIZE The Challenge:

The size, location, and characteristics of the nation's criminal alien population are based on estimates, making it difficult to strategically assess operational needs and deploy resources to identify and remove criminal aliens.

The Solution: Prioritize Enforcement Actions

Secure Communities is using a risk-based approach to prioritize enforcement actions involving criminal aliens. ICE is focusing efforts first and foremost on the most dangerous criminal aliens currently charged with, or previously convicted of, the most serious criminal offenses. ICE will give priority to those offenses including, crimes involving national security, homicide, kidnapping, assault, robbery, sex offenses, and narcotics violations carrying sentences of more than one year.

By prioritizing the removal of the most dangerous criminals, Secure Communities enables ICE to heighten public safety while reducing disruption to communities and law-abiding immigrant families.

Deployment Strategy:

Beginning in October 2008, ICE prioritized deployment of biometric identification capability to high-risk jurisdictions. Continued deployment plans project nationwide coverage by 2013. For more information including current status and recent successes, please visit our website at: www.ICE.gov/Secure_Communities



TRANSFORM The Challenge:

The deployment of biometric identification capability to more than 30,000 local jails and booking locations nationwide will dramatically increase the number of dangerous criminal aliens coming into ICE custody. That means ICE must boost its capabilities to arrest, process, detain, and ultimately remove aliens from the United States. Finding solutions to identify, locate, and detain criminal aliens currently considered at-large is a high priority.

The Solution: Transform ICE Business Processes and Systems

To meet these demands, ICE is working to optimize capacity by modernizing and expanding detention space, transportation resources, and staff. Automated systems and greater process efficiency will speed the removal of criminal aliens from the United States, reducing the amount of time they spend in ICE custody. Some of the modernization and process enhancements include:

- Video teleconferencing to conduct interviews and immigration hearings
- Computer technology to track the use of detention beds and transportation systems
- Integrated case and detainee management systems
- Working groups to address identifying, locating and detaining criminal aliens who are currently at-large

These enhancements to the processes and systems ICE uses to manage its criminal alien caseload are designed to strengthen ICE capabilities to:

- Assess future needs for detention beds, transportation, and staffing
- Optimize ICE's overall operating efficiency