

**Pavlik-Keenan, Catrina M**

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**From:** (b)(6); (b)(7)(C)  
**Sent:** Thursday, September 30, 2010 10:50 AM  
**To:** Hale, Brian P  
**Subject:** RE: Another Calif. County Seeking to Retroactively Opt Out of SC

Holla

**From:** Hale, Brian P [mailto:(b)(6); (b)(7)(C)]  
**Sent:** Thursday, September 30, 2010 10:49 AM  
**To:** (b)(6); (b)(7)(C)  
**Subject:** Re: Another Calif. County Seeking to Retroactively Opt Out of SC

We have asked and will get it soon.

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**From:** (b)(6); (b)(7)(C) >  
**To:** Hale, Brian P (b)(6); (b)(7)(C)  
**Sent:** Thu Sep 30 10:45:56 2010  
**Subject:** RE: Another Calif. County Seeking to Retroactively Opt Out of SC

OK – do we have the pertinent pieces of legislation?

**From:** Hale, Brian P (b)(6); (b)(7)(C)  
**Sent:** Thursday, September 30, 2010 10:41 AM  
**To:** (b)(6); (b)(7)(C)  
**Subject:** Re: Another Calif. County Seeking to Retroactively Opt Out of SC

(b) (5)

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**From:** (b)(6); (b)(7)(C)  
**To:** Hale, Brian P (b)(6); (b)(7)(C)  
**Sent:** Thu Sep 30 10:36:01 2010  
**Subject:** RE: Another Calif. County Seeking to Retroactively Opt Out of SC

(b) (5)

**From:** Hale, Brian P [mailto:(b)(6); (b)(7)(C)]  
**Sent:** Thursday, September 30, 2010 10:33 AM  
**To:** (b)(6); (b)(7)(C)  
**Subject:** Fw: Another Calif. County Seeking to Retroactively Opt Out of SC

Gotta love ICE. Here is the answer I was given from the SC team.

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**From:** Greenberg, Randi L  
**To:** (b)(6); (b)(7)(C)  
**Cc:** Rocha, Richard (b)(6); (b)(7)(C), Hale, Brian P  
**Sent:** Thu Sep 30 10:28:50 2010  
**Subject:** Re: Another Calif. County Seeking to Retroactively Opt Out of SC

12/29/2010

ICE FOIA 10-2674.0010212

There is no legislation that makes SC mandatory. Rather, there is legislation (in various forms) that makes IDENT/IAFIS interoperability mandatory. SC utilizes IDENT/IAFIS interoperability.

SC receives Congressional appropriations for Secure Communities specifically, and then is responsible for reporting on ICE-wide Criminal Alien Enforcement efforts.

Randi Greenberg  
Branch Chief, Communications & Outreach  
Secure Communities, ICE  
(b)(6); (b)(7)(C) (desk)  
(b)(6); (b)(7)(C) (BB)

(Apologies for any typos as I am sending this from my BlackBerry)

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**From:** (b)(6); (b)(7)(C)  
**To:** Greenberg, Randi L  
**Cc:** Rocha, Richard A; (b)(6); (b)(7)(C); Hale, Brian P  
**Sent:** Thu Sep 30 10:25:09 2010  
**Subject:** RE: Another Calif. County Seeking to Retroactively Opt Out of SC

Randi:

Brian, our director, is asking for a copy of the SC legislation that speaks to it being mandatory. Do you have that?

(b)(6); (b)(7)(C)  
Southern Regional Communications Director  
U.S. Immigration and Customs Enforcement (ICE)  
(b)(6); (b)(7)(C) (cell)  
(b)(6); (b)(7)(C) (office)

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**From:** Greenberg, Randi L  
**Sent:** Thursday, September 30, 2010 10:14 AM  
**To:** (b)(6); (b)(7)(C)  
**Cc:** Rocha, Richard A  
**Subject:** Re: Another Calif. County Seeking to Retroactively Opt Out of SC

In a meeting. Will call you in a bit.

Richard - are we allowed to speak to Boston media today?

Randi Greenberg  
Branch Chief, Communications & Outreach  
Secure Communities, ICE  
(b)(6); (b)(7)(C) (desk)  
(b)(6); (b)(7)(C) (BB)

(Apologies for any typos as I am sending this from my BlackBerry)

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**From:** (b)(6); (b)(7)(C)  
**To:** Greenberg, Randi L  
**Cc:** Rocha, Richard A  
**Sent:** Thu Sep 30 10:10:38 2010  
**Subject:** RE: Another Calif. County Seeking to Retroactively Opt Out of SC

Are you around? I need to chat with you about some questions from the Boston Globe?

(b)(6); (b)(7)(C) z  
Southern Regional Communications Director  
U.S. Immigration and Customs Enforcement (ICE)

(b)(6); (b)(7)(C) (cell)  
(b)(6); (b)(7)(C) (office)

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**From:** Greenberg, Randi L  
**Sent:** Monday, September 27, 2010 8:18 PM  
**To:** Rocha, Richard A; (b)(6); (b)(7)(C); Hale, Brian P; Gibson, Beth N; Rapp, Marc A  
**Cc:** (b)(6); (b)(7)(C); Venturella, David  
**Subject:** Re: Another Calif. County Seeking to Retroactively Opt Out of SC

(b)(6); (b)(7)(C) - I like what you wrote.

Richard- we submitted some language to Beth last week for her review and comment. Once received, I'll loop you in so we can finalize and update the PAG accordingly.

Thanks!  
Randi Greenberg  
Branch Chief, Communications & Outreach  
Secure Communities, ICE

(b)(6); (b)(7)(C) (desk)  
(b)(6); (b)(7)(C) (BB)

(Apologies for any typos as I am sending this from my BlackBerry)

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**From:** Rocha, Richard A  
**To:** (b)(6); (b)(7)(C); Hale, Brian P; Gibson, Beth N; Rapp, Marc A  
**Cc:** (b)(6); (b)(7)(C); Greenberg, Randi L; (b)(6); (b)(7)(C); Venturella, David  
**Sent:** Mon Sep 27 20:16:31 2010  
**Subject:** Re: Another Calif. County Seeking to Retroactively Opt Out of SC

(b)(6); (b)(7)(C) if you haven't heard from others...this proposed response is good to go from OPA for tonight.

(b)(7)(C) Randi, Dave and Marc, perhaps tomorrow we can brainstorm on how OPA and OSLTC can help make our position on participation clear.

Thanks,  
Rich  
Richard Rocha  
Deputy Press Secretary  
U.S. Immigration and Customs Enforcement

(b)(6); (b)(7)(C) desk  
(b)(6); (b)(7)(C) cell

Sent using BlackBerry

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**From:** (b)(6); (b)(7)(C)  
**To:** (b)(6); (b)(7)(C); Hale, Brian P; Gibson, Beth N; Rapp, Marc A  
**Cc:** (b)(6); (b)(7)(C); (b)(6); (b)(7)(C); Rocha, Richard A  
**Sent:** Mon Sep 27 19:58:47 2010  
**Subject:** Another Calif. County Seeking to Retroactively Opt Out of SC

All –

**ISSUE:** A reporter for the San Jose Mercury News is seeking ICE's comment regarding an anticipated vote tomorrow night by the Santa Clara County Board of Supervisors seeking to retroactively "opt out" of Secure Communities, which was launched in Santa Clara County in early May – see recent article below. Given the current circumstances with San Francisco County and the sensitivities involving the state's role...I could use some guidance on how we should appropriately respond.

**BACKGROUND:** The SC data I have, which is current thru Aug. 31, indicates there have been more than 1,700 Level 1/2/3 convicted criminal aliens identified by the system in Santa Clara County since the activation. To date, 339 deportable aliens have been turned over to ICE. Of those, nearly 75 percent (253 were convicted criminal aliens, including 98 Level 1 offenders).

**PROPOSED RESPONSE:** Secure Communities continues to be a vital tool for identifying and expediting the removal of deportable criminal aliens who've come into local law enforcement custody. In the four months since its activation in Santa Clara County, Secure Communities has resulted in ICE taking custody of 339 deportable aliens, nearly 75 percent of whom are convicted criminal aliens. That includes 98 individuals with prior convictions for serious or violent offenses who might have been released to streets without this important information-sharing capability. As these figures demonstrate, Secure Communities is a major step forward in ICE's efforts to prevent potentially dangerous criminal aliens from being released to the streets in Santa Clara County and we would welcome an opportunity to discuss the results further with the Board of Supervisors and other county officials.

## **Santa Clara County supervisors get answer they wanted in quest to opt out of federal law enforcement program**

By Tracy Seipel  
Posted: 09/01/2010 08:24:30 PM PDT  
Updated: 09/02/2010 05:25:12 AM PDT

A controversial federal program that seeks to enlist local law enforcement in the war on illegal immigrants is apparently voluntary, according to a federal memo seeking to clarify confusion about the program.

Armed with this new information, Santa Clara County Supervisors George Shirakawa and Don Gage on Wednesday agreed to forward a recommendation to the full board that directs county officials to opt out.

Known as Secure Communities, the program has been put in place across the United States, sparking praise from law-and-order advocates and fear from immigrant rights groups.

If the five-member board approves, the county will notify federal immigration enforcement authorities and the state Department of Justice of its opposition to participating in Secure Communities, which began in the county May 4.

The resolution also asks that U.S. Immigration and Customs Enforcement officials refrain from accessing fingerprint data the county provides to other federal authorities.

A spokeswoman for Shirakawa said she expects the matter to go before the board at its Sept. 28 meeting.

The program, which was launched last year and is being phased in across Northern California this summer, gives federal officials access to the fingerprints of people arrested locally.

Backers call it a common-sense strategy that's led to the deportation of tens of thousands of lawbreakers. Critics say it focuses too much on low-level criminals and does not protect against racial profiling, among other problems.

The proposal to the board comes after news of a recent memo issued by ICE that clarifies that local jurisdictions can choose not to participate. The state attorney general's office had previously denied at least one request from San Francisco officials to opt out of the program.

Santa Clara County leaders have said they never agreed to participate in the program but inadvertently play a role in it whenever someone is arrested and taken to the county jail. At that point, his or her fingerprints are sent to an identification system that is ultimately downloaded to the California Department of Justice.

That agency, in turn, has a practice of sharing information with the federal government for law enforcement purposes. The county doesn't object to that, but it does protest allowing ICE officials to access the information to verify immigration status.

"It seems like ICE is kind of backtracking by issuing statements to the press and public that Secure Communities has been a cooperative program all along," said Deputy County Counsel Anjali Bhargava. "That is not consistent with our experience working with ICE. But we are hopeful that this represents a change in direction."

(b)(6); (b)(7)  
(C)

Western Regional Communications Director/Spokesperson

U.S. Immigration and Customs Enforcement (ICE)

Phone: (b)(6); (b)(7)(C)

[www.ice.gov](http://www.ice.gov)