

**Cheng, Grace I**

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**From:** Greenberg, Randi L  
**Sent:** Wednesday, August 26, 2009 4:33 PM  
**To:** Nardi, Louis F (CTR); Duarte, Serge S (CTR); Davies, Heather J (CTR); Leary, Daniel J (CTR)  
**Cc:** Calhoon, Teresa W; Sands, Judith J; Whiting, Emily [USA]; Fundling, Craig F (CTR); latini\_janeen@ (b) (6); Kirby, Scott T (CTR); Murphy, Brian W; 'Murphy, Dennis H (CTR)'; Cauty, Rachel E; Smith, Tadgh A; Walters, Brian D; Penney, Susan E; Archibeque, Vincent E; Rosenker, Heather; kmontgomery@ (b) (6)  
**Subject:** SC Guidance Voluntary/Mandatory question  
**Attachments:** 090325 WF 826447 Price Q27 If a locality does not wish to participate in the Secure Communities.doc

Team,

As we continue to have discussions on the voluntary/mandatory question, Rachel was able to pull up SC's response to a Question For the Record (QFR) on this very topic. After further discussions with Marc, the response we provided is still our current stance on the issue. The SC initiative will remain voluntary at both the State and Local level. Once activated, 30-days written notice will be required in order to suspend or terminate the information-sharing. Until such time as localities begin to push back on participation, we will continue with this current line of thinking.

Please let me know if you have any questions or concerns on this issue.

Thanks,

Randi Greenberg  
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**QUESTIONS FOR THE RECORD SUBMITTED BY  
CHAIRMAN DAVID PRICE**

**Michael Aytes, Acting Deputy Director,  
United States Citizenship and Immigration Services  
Marcy Forman, Director, Office of Investigations,  
U.S. Immigration and Customs Enforcement  
David Venturella, Executive Director, Secure Communities,  
U.S. Immigration and Customs Enforcement  
Priorities Enforcing Immigration Law**

**Criminal Aliens/Secure Communities**

**Question #27:** If a locality does not wish to participate in the Secure Communities program, is it allowed to opt out?

**ANSWER:**

Yes. ICE does not require any entity to participate in the information sharing technology at the state or local level. ICE is entering into agreements with each state identification bureau to oversee the sharing of information between ICE and the state. Each of these agreements contains a clause allowing either side to suspend or terminate the use of the information sharing technology with 30 days written notice.

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Rachel Canty (202) 732-(b)  
(6)  
<insert OCR reviewer name and telephone number>  
<insert CFO reviewer name and telephone number>  
<insert OAS final clearance>