

EXHIBIT R

Microsoft Outlook

From: (b)(6), (b)(7)(C)
Sent: Friday, October 01, 2010 1:23 PM
To: Perry, Carl E; Rogers, Andrea R
Cc: Vincent, Peter S; Ramlogan, Riah (b)(6), (b)(7)(C) (b)(6)
Subject: RE: SC language: Predecisional Draft For Review and Comment

Follow Up Flag: Follow up
Flag Status: Blue

Attachments: Secure Communities-Mandatory Memo (10 01 10).doc



Secure
mmunities-Mandatory
Carl,

Attached is ELS' draft memorandum regarding the legal support for the "mandatory" nature of participation in Secure Communities in 2013.

We are still reviewing Beth's email below.

(b)(6), (b)(7)(C)

Section Chief

Enforcement Law Section

Office of the Principal Legal Advisor

U.S. Immigration and Customs Enforcement

Office (b)(6), (b)(7)

(C)

Blackberry (b)(6), (b)(7)

(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, October 01, 2010 10:54 AM
To: (b)(6), (b)(7)(C)
Cc: Vincent, Peter S; Ramlogan, Riah (b)(6), (b)(7)(C)
Subject: RE: SC language: Predecisional Draft For Review and Comment

EXHIBIT S

Bridget Kessler

From: Connolly, Christopher (USANYS) [Christopher.Connolly@usdoj.gov]
Sent: Wednesday, April 20, 2011 7:49 PM
To: Sunita Patel; Caroline Glickler; Cordaro, Joseph (USANYS); Harwood, Christopher (USANYS)
Cc: Bridget Kessler; Weinstein, Hannah; Peter L Markowitz; Horton, James; ADiana@mayerbrown.com; LPlush@mayerbrown.com; NCerullo@mayerbrown.com; JSchildcrout@mayerbrown.com; Gitanjali Gutierrez
Subject: RE: NDLO v. ICE

Sunita,

With respect to the "Secure Communities – Mandatory in 2013" document referenced in your April 15 e-mail, ICE has informed us that there is no final version of this document. Let's plan to discuss the remaining two documents described in your e-mails, as well as other questions plaintiffs may have concerning previous productions, during our meeting next Wednesday.

Chris

From: Sunita Patel [mailto:SPatel@ccrjustice.org]
Sent: Wednesday, April 20, 2011 11:29 AM
To: Sunita Patel; 'Caroline Glickler'; Connolly, Christopher (USANYS); Cordaro, Joseph (USANYS); Harwood, Christopher (USANYS)
Cc: 'Bridget Kessler'; 'Weinstein, Hannah'; 'Peter L Markowitz'; 'Horton, James'; 'ADiana@mayerbrown.com'; 'LPlush@mayerbrown.com'; 'NCerullo@mayerbrown.com'; 'JSchildcrout@mayerbrown.com'; Gitanjali Gutierrez
Subject: RE: NDLO v. ICE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sunita Patel | Staff Attorney | Center for Constitutional Rights | 66 Broadway, 7th Fl. | New York, NY 10012 | 212.614.6139 | www.ccrjustice.org

From: Sunita Patel
Sent: Friday, April 15, 2011 12:08 PM
To: 'Caroline Glickler'; Connolly, Christopher (USANYS); Cordaro, Joseph (USANYS)
Cc: Bridget Kessler; Weinstein, Hannah; Peter L Markowitz; Horton, James; ADiana@mayerbrown.com; LPlush@mayerbrown.com; NCerullo@mayerbrown.com; JSchildcrout@mayerbrown.com; Gitanjali Gutierrez; Darius Charney
Subject: NDLO v. ICE

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Sincerely,

Sunita Patel

EXHIBIT T

Pavlik-Keenan, Catrina M

From: (b)(6) & (b)(7)(C) (b)(6) & (b)(7)(C)
Sent: Monday, October 04, 2010 9:20 AM
To: (b)(6) & (b)(7)(C)
Subject: FW: SC language: Predecisional Draft For Review and Comment
Attachments: Secure Communities-Mandatory Memo (10 01 10) (2) (3).doc

This is the memo, now from [REDACTED] to Beth (as opposed to initially from me to Peter)

(b)(6) & (b)(7)(C)

Associate Legal Advisor
Enforcement Law Section
Enforcement and Removal Operations Law Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
500 12th Street, S.W., 9th Floor
Washington, D.C. 20024

[REDACTED] fax)

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From: (b)(6) & (b)(7)(C)
Sent: Monday, October 04, 2010 8:55 AM
To: (b)(6) & (b)(7)(C)
Subject: FW: SC language: Predecisional Draft For Review and Comment

fyi

From: (b)(6) & (b)(7)(C)
Sent: Saturday, October 02, 2010 9:58 AM
To: Gibson, Beth N
Cc: Vincent, Peter S; (b)(6) & (b)(7)(C)
Subject: FW: SC language: Predecisional Draft For Review and Comment

Beth:

Attached is the requested legal analysis which was prepared by our EROLD team. I have left it in draft format in the event that you have comments or additional concerns which you would like to have addressed.

From: Gibson, Beth N
To: Venturella, David; Hale, Brian P; Vincent, Peter S; (b)(6) & (b)(7)(C)

12/29/2010

ICE FOIA 10-2674.0013893

Cc: Barr, Suzanne E (b)(6) & (b)(7)(C)

Sent: Fri Oct 01 09:04:45 2010

Subject: SC language: Predecisional Draft For Review and Comment

All: Please review. This is a rework of language SC circulated. I am at a disadvantage until I have the OPLA assessment of the law underlying the CJIS agreement and other issues. Thus, I want to proceed with caution until all the legal analysis is done and reviewed. Again, in the interim, please review for general direction and tone. The issue is legal and technical but needs to be understandable and entirely accurate. This is a predecisional draft.

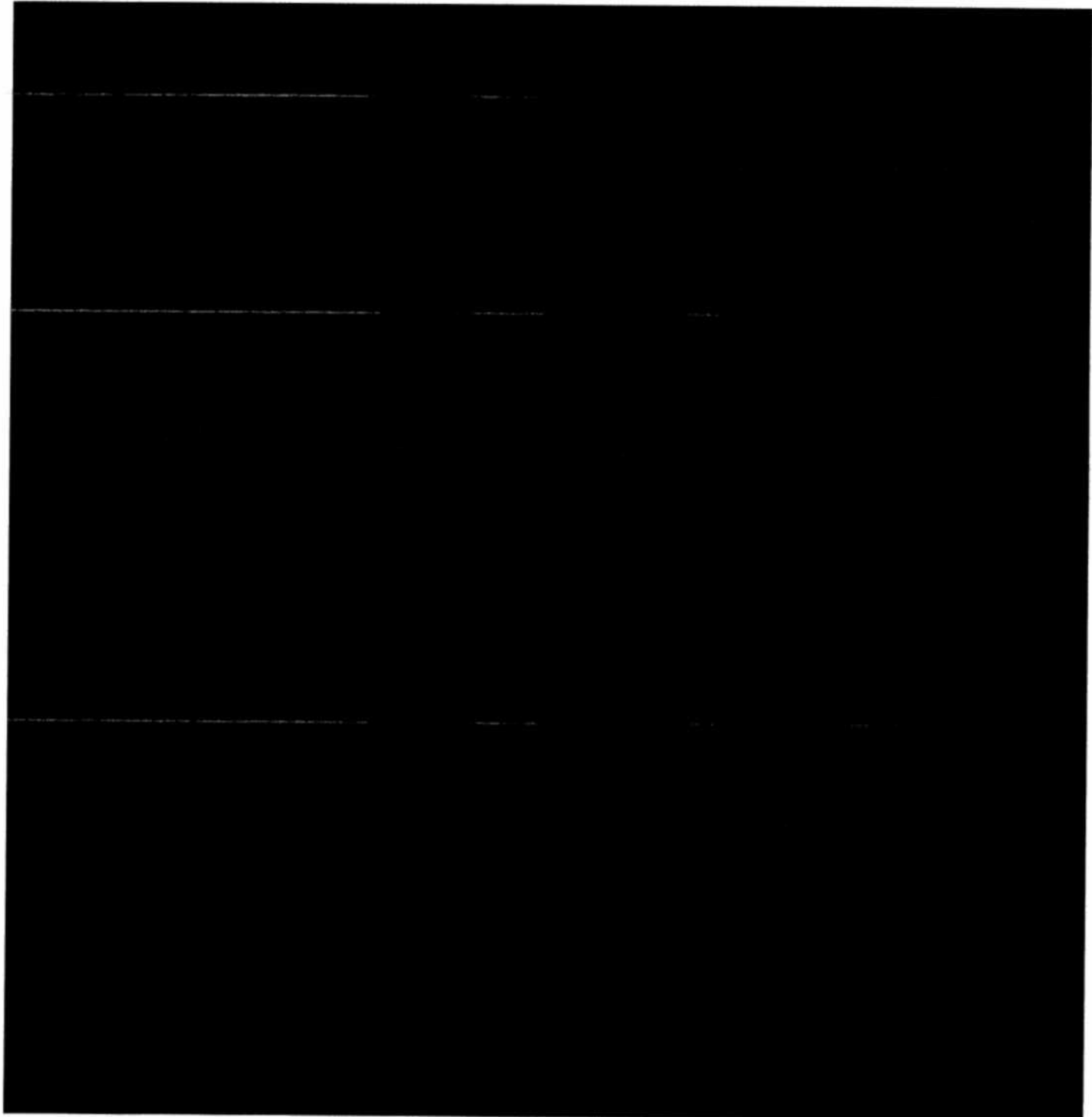


EXHIBIT U

Microsoft Outlook

From: Ramlogan, Riah
Sent: Monday, October 04, 2010 10:18 AM
To: (b)(6), (b)(7)(C)
Subject: RE: SCAAP and SC issue about "opting out"

Thanks Andrea.

From: (b)(6), (b)(7)(C)
Sent: Monday, October 04, 2010 10:15 AM
To: Ramlogan, Riah
Subject: Re: SCAAP and SC issue about "opting out"

P (b)(6), the SCAAP/legislative portion went to Dimple, but I have not had further visibility on that . The binder is in progress but got delayed friday in other confusion about the overall assignment. It should be done this morning.

From: Ramlogan, Riah
To: (b)(6), (b)(7)(C)
C: (b)(6), (b)(7)(C)
Sent: Mon Oct 04 10:03:54 2010
Subject: RE: SCAAP and SC issue about "opting out"

(b)(6), (b)(7)(C) I:
(b)(6), (b)(7)(C) I finally reviewed all the stuff on this.
(b)(6), (b)(7)(C) I sent Beth the draft memo but it seems like she was looking for more from us – draft legislative language and some kind of binder. Are we working on that?

Riah

From: (b)(6), (b)(7)(C)
Sent: Friday, October 01, 2010 9:09 AM
To: Ramlogan, Riah
Subject: FW: SCAAP and SC issue about "opting out"

I sent the draft back for a clarification or two. I think it is actually very good. Should I furnish that to Beth along with the proposed SCAAP legislative change and tell her it is still a draft?

(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) Director of Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement

(b)(6)

From: Gibson, Beth N [mailto:(b)(6)]
Sent: Friday, October 01, 2010 5:39 AM
To: Gibson, Beth N; Vincent, Peter S; Venturella, David
C: (b)(6), (b)(7)(C)
Subject: Re: SCAAP and SC issue about "opting out"

I expect the WP article today to keep the heat on this issue. Any sense of eta?
Beth Gibson

EXHIBIT V

Pavlik-Keenan, Catrina M

From: [REDACTED]
Sent: Friday, October 08, 2010 2:46 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: SC language: Predecisional Draft For Review and Comment
Attachments: Secure Communities-Mandatory Memo (10 01 10) (2) (3).doc

[REDACTED]

Outstanding work!!! See below. As you know we had a brief phone call with OGC yesterday and basically it was about the "Opt out" issue. [REDACTED] gave a short explanation but Peter sent your paper over to OGC and David Martin, as Peter notes below, was very complimentary.

[REDACTED]
Section Chief
Enforcement Law Section
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Office [REDACTED]
Blackberry: [REDACTED]

From: Vincent, Peter S [mailto:[REDACTED]]
Sent: Friday, October 08, 2010 2:21 PM
To: [REDACTED]
Subject: FW: SC language: Predecisional Draft For Review and Comment

[REDACTED] and I had lunch with David Martin and other today. David was very complimentary about the excellent SC paper you all put together.

Best regards,

Peter

PETER S. VINCENT
PRINCIPAL LEGAL ADVISOR
OFFICE OF THE PRINCIPAL LEGAL ADVISOR
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

EXHIBIT W

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



U.S. Immigration and Customs Enforcement

The Honorable Ms. Barbara M. Donnellan
County Manager, Arlington
2100 Clarendon Boulevard, Suite 302
Arlington, VA 22201

Dear Ms. Donnellan:

Thank you for your October 7, 2010 letter to John Morton, Director, U.S. Immigration and Customs Enforcement (ICE), concerning Arlington County's inclusion in ICE's Secure Communities initiative. You have also included a copy of the recently passed Arlington County Board Resolution pertaining to this issue.

You indicate that there has been conflicting information coming from that ICE and the Department of Homeland Security (DHS) are providing conflicting information regarding the ability of local governments to not participate in Secure Communities. You also request that ICE inform you how Arlington County can withdraw from Secure Communities, and you what would be required regarding asked how nonparticipating agencies the notification notify to ICE of suspected criminal aliens.

Per our Following our November 5, 2010 meeting, I wish to clarify what it means to participate or not participate in Secure Communities, especially its' federal biometric information sharing capability.

All criminal fingerprint transactions submitted to the FBI are automatically checked against the DHS system. This important information gives a more complete picture of the subject in custody, which may reduce risks to officer safety and be useful for investigative purposes. Local law enforcement may choose not to take advantage of receiving the law enforcement and immigration identity information that is available through this federal information sharing capability. Choosing not to receive the law enforcement and immigration identity information as part of the federal biometric information sharing capability is "not participating-" in the Secure Communities.

If a law enforcement agency is technically capable of receiving this information (some are not) but does not wish to receive it, the law enforcement agency must formally notify its state identification bureau and ICE in writing (email, letter, or facsimile). Upon receipt of that information, ICE will request a meeting with federal partners, the law enforcement agency, and the state to discuss any issues, and come to a resolution.

By 2013, ICE plans to use the federal biometric information sharing capability nationwide to identify aliens arrested for a crime and booked into law enforcement custody.

Comment [ICE-OPLA1] (b) (5)

Comment [ICE-OPLA2] (b) (5)

Comment [ICE-OPLA3] (b) (5)

Comment [ICE-OPLA4] (b) (5)

Comment [ICE-OPLA5] (b) (5)

Comment [ICE-OPLA6] (b) (5)

Comment [ICE-OPLA7] (b) (5)

Comment [ICE-OPLA8] (b) (5)

All fingerprints checked against federal criminal records in the FBI's Integrated Automated Fingerprint Identification System (IAFIS) will also be checked against federal immigration records in DHS's Automated Biometric Identification System (IDENT), and ICE will be automatically notified of matches to IDENT data.

Such information sharing is mandated by Congress and in accord with the recommendations of the 9/11 Commission. ICE works closely with each state and law enforcement agency to ensure ~~it~~the agency understands how IDENT/IAFIS interoperability works and why it is a top priority for DHS. IDENT/IAFIS interoperability is helping ICE ensure the integrity of our immigration system and improve public safety.

While ICE is aware of Arlington County's concern about the effects of Secure Communities on immigrant communities, ICE has not received any formal complaints or allegations of racial profiling as a result of Secure Communities. ICE is committed to protecting civil rights and civil liberties, and believes that removing criminal aliens from local communities improves public safety, including the safety of immigrant communities.

For example, federal biometric information sharing has allowed ICE to identify and detain a suspect who was arrested and convicted for soliciting a prostitute. This offense might seem minor at first, but checking his fingerprints against federal biometric databases revealed a different story. During booking, ICE used the federal biometric information sharing capability to verify ~~his~~the suspect's identity. Cross-checking criminal and immigration records revealed that he had entered the country legally as a foreign national and had subsequently been convicted of felony drug possession, second degree assault, felony robbery, and first degree attempted armed robbery, making him subject to removal. He had encountered law enforcement 13 times under multiple aliases and been denied U.S. citizenship. ICE is processing him for removal from the ~~U.S. United States upon completion of when he has completed~~ his sentence.

Other criminal aliens that ICE is identifying and removing have been convicted of crimes such as homicide, rape, kidnapping, and threats to national security. ICE's efforts are preventing these criminal aliens from being released back into communities after they complete their criminal sentences.

— Please know that under Secure Communities, ICE, not local law enforcement, is responsible for enforcing our nation's immigration laws.

I enjoyed meeting you and, as always, value your input.

— Thank you once again for contacting ICE. Please do not hesitate to contact my office if you have any additional questions.

Sincerely,

Comment [ICE-OPLA9] (b) (5)
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Comment [ICE-OPLA10]: (b) (5)

Comment [ICE-OPLA11] (b) (5)

[ICE-OPLA12] (b) (5)

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Formatted: Indent: First line: 0.5", Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers, Tab stops: Not at 0.5"

The Honorable Barbara M. Donnellan
Page 2

David J. Venturella
Assistant Director

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(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) [Redacted]

(b) (5) [Redacted]

(b) (5) [Redacted text block]

(b) (5) [Redacted text block]

EXHIBIT X

b6, b7c b6, b7b6, b7c

From: (b)(6), (b)(7)c
Sent: Monday, November 08, 2010 2:43 PM
To:
Cc: (b)(6), (b)(7)c b6, b7c b6, b7b6, b7c
Subject: Congressional Inquiry - Iraqi Detained and Removals - Congressman Jared Polis (D-CO) - DUE: October 29, 1010, 11:00 a.m.
Importance: High
Attachments: ERO Cleared Removal Resp. for Cong Polis.doc; ERO Cleared Detention Response Rep Polis .doc

(b)(6), (b)(7)c

Attached documents are ERO cleared responses for items highlighted "red" in below. We are still pending SC responses.

Thanks,

(b)(6), (b)(7)c
Office of Congressional Relations (OCR)

U.S. Department of Homeland Security
500 12th Street, SW Room 11109
Washington, D.C. 20024

(202) 732- (o)
(202) 590- (b)(6) (c)
(202) 732-4269 (f)
(b)(6)

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From: (b)(6)
Sent: Monday, October 25, 2010 1:26 PM
To: Venturella, David; Mead, Gary; (b)(6), (b)(7)c
(b)(6), (b)(7)c Rapp, Marc A; Greenberg, Randi L; (b)(6), (b)(7)c
Subject: Congressional Inquiry - Iraqi Detained and Removals - Congressman Jared Polis (D-CO) - DUE: October 29, 1010, 11:00 a.m.
Importance: High

TO: AD Detention, AD Removal, AD Secure Communities

FROM: Office of Congressional Relations (OCR) (Liaison DDO (b)(6), (b)(7)c 202-732- (b)(6)

Due Date: October 29, 2010, 11:00 a.m.

Request: Homeland Security and Governmental Affairs Committee (HSGAC)

6/21/2011

ICE 2010FOIA2674.020373

Background: This is a congressional inquiry from the Office of Congressman Jared Polis (D-CO) who will meet/greet with Deputy Director Kumar Kibble.

The following are questions/outline Congressman Polis has presented ERO in order to discuss with Deputy Director Kibble during their upcoming meet/greet.

Alternatives to detention on the national scale as well as in Colorado: (REMOVAL)

Do you plan to expand the program beyond the 500 spots currently available?

What are the potential benefits and problems that Mr. Kibble sees with ATD in Colorado?

The Secure Communities program and recent discussions between the State of Colorado and DHS: (SECURE COMMUNITIES)

The current status of the negotiations

The specific terms/modifications requested by the state, as well as DHS positions on the prospect of implementation with said terms/modifications

A clear answer relating to the issue of opting out of participation – there has been a great deal of confusion relating to this issue.

ERO issues specific to the state of Colorado: (DETENTION)

What is the actual figure of the total detention space used in Colorado at any given time (including the GEO facility, as well as all county and local bed space used at any given time)

What is the current state of negotiations with the GEO Group relating to the new facility?

Has the new contract been finalized?

If so, we would like to request detailed information on the new terms: what is the total bed space requested? What is the nightly rate per bed? Will ICE plan on using the older facility directly behind the newly constructed space?

Can we anticipate an increase in ERO in Colorado? Will there be increased staffing efforts, etc.?

ERO issues on the national level:

Discussion relating to the level of non-criminal removals in 2010, as well as the

EXHIBIT Y

Secretary Napolitano that any act of violence against ICE or DHS personnel is an attack against all those who serve our nation and put their lives at risk for our safety. On **February 17th**, **The Wall Street Journal**, **CNN.com** and **others** reported on the announcement by Secretary Napolitano and Attorney General Holder of an FBI-led task force between DHS and the Department of Justice that will leverage the capabilities of both agencies to work with Mexico in tracking down the perpetrators and swiftly bring them to justice.

- From **February 15th to 17th**, **Bloomberg News**, **USA Today** and **others** reported on the announcement by Secretary Napolitano and NBA Commissioner David Stern of a partnership to bring DHS's "If You See Something, Say Something" campaign to professional basketball events throughout the nation to help protect the security of fans, players and employees.
- On **February 16th**, **Agence France Press** reported that the Transportation Security Administration has lifted the ban on U.S.-bound air cargo shipments from Yemen as a result of partnerships between U.S. security officials with their counterparts in Yemen to upgrade security measures. Following the disruption of an attempt last October to ship explosive devices on board aircraft bound for the United States, the Transportation Security Administration and Customs and Border Protection took immediate measures to enhance existing protocols for screening inbound cargo, including grounding packages originating from Yemen destined for the United States and deploying a team of inspectors to assist the government of Yemen with their cargo screening procedures.
- On **February 17th**, **The Wall Street Journal** reported that Immigration and Customs Enforcement (ICE) plans to announce immigration audits of 1,000 U.S. companies. Since January 2009, ICE has audited more than 3,585 employers suspected of hiring illegal labor, debarred 235 companies and individuals, and imposed approximately \$54 million in financial sanctions – more than the total amount of audits and debarments than during the entire previous administration.
- On **February 17th**, **The Washington Post** reported on whether local jurisdictions can opt out of the Secure Communities program. A DHS spokesman stated that because Secure Communities is fundamentally an information sharing partnership between federal agencies, state and local jurisdictions cannot opt out from the program, though state and local jurisdictions can opt not to receive the results of federal crime and immigration queries.

Expected Stories

- On **February 16th**, **Telemundo (Alfredo Richard)** met with U.S. Citizenship and Immigration Services (USCIS) Office of Citizenship Chief Rebecca Carson to discuss the USCIS Citizenship Public Education and Awareness Initiative, which is designed to educate lawful permanent residents about the rights, responsibilities and importance of citizenship and is expected to be launched in April. Air date TBD.
- On **February 16th**, **Fox News Channel** interviewed Border Patrol Chief Michael Fisher about border security issues. His interview will coincide with the producer from "Hannity" participating in a ride-along with Border Patrol agents in the Tucson Sector. Neutral to negative tone expected.
- On **February 18th**, **CNN en Español (Juan Carlos Lopez)** will air an interview with U.S. Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas on the "Directo desde EE.UU" ("Straight from the U.S.") news program. The program will be recorded in English with simultaneous Spanish translation. Mayorkas will highlight USCIS's accomplishments from 2010 and priorities for 2011.
- On **February 20th**, **C-SPAN** will air an interview with U.S. Citizenship and Immigration Services Director Alejandro Mayorkas on E-Verify on the "Washington Journal" program. The program will include a question and answer session with callers.
- On **February 21st**, **USA Today** will publish an interview with FEMA Administrator Craig Fugate on FEMA's new public awareness campaign "Fire Safety for Children," which instructs parents on how to help keep children and families safer from the threat of home fires. Positive tone expected.
- **The St. Petersburg Times** (Abby Brownback) is working on a profile piece on FEMA Administrator Craig Fugate as he approaches his two year anniversary at FEMA. Publication likely next week. Neutral to positive tone expected.

Upcoming Policy Initiatives or Announcements

EXHIBIT Z

RE: DHS QFRS re DHS Oversight

[redacted] (CJIS)(FBI)

Sent: Wednesday, May 25, 2011 5:25 PM

b6
b7C

To: [redacted]

Cc: [redacted] Rudge, Robert C. Jr [redacted]

GOS/IIU has reviewed in coordination with AIU and [redacted]
[redacted]
[redacted]

b5

Let me know if I've misunderstood.

thanks

V/R

[redacted]

FBI, CJIS, Global Initiatives Unit

ofc - [redacted]
cel - [redacted]

[redacted]@ic.fbi.gov

[redacted] gov

b7E

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From: [redacted]

Sent: Wednesday, May 25, 2011 4:58 PM

To: [redacted] (CJIS)(FBI)

Cc: [redacted]

Subject: Fw: DHS QFRS re DHS Oversight

b6
b7C

[redacted]

For review/comment.

[redacted]

Will you kindly provide to [redacted] I couldn't find his e-mail address.

Thanks,

FBI-SC-FPL-95

[redacted]

b7E

https://www.[redacted]

7/28/2011

From: Morris, Stephen L.
To: [redacted]
Sent: Wed May 25 16:51:40 2011
Subject: Re: DHS QFRS re DHS Oversight

Yes forward to AIU as usual

From: [redacted]
To: Morris, Stephen L.
Sent: Wed May 25 15:30:23 2011
Subject: Fw: DHS QFRS re DHS Oversight

b6
b7C

OK for me to send to GOS [redacted] and [redacted] to review?

From: [redacted]
To: [redacted] (CJIS)(FBI); [redacted]
Sent: Wed May 25 15:11:10 2011
Subject: DHS QFRS re DHS Oversight

The FBI has been asked to review Department of Homeland Security (DHS) responses to Congressional Questions for the Record (QFRs) re: DHS Oversight.

While most of those questions don't relate to FBI matters, the below QFR concerns CJIS (Secure Communities).

Could you please review the below response and see if the FBI needs to propose any edits?

As you know, when we are asked to review responses prepared by other agencies, our comments are not really desired, because those agencies have attempted thoughtful responses to these questions. If, however, editing is necessary to PROTECT THE FBI'S INTERESTS or to correct factual errors, we should MAKE THE EDITS and provide an explanation as to why they are necessary. If we were to JUST comment and offer no revisions, we would be less than helpful and would risk erroneous implementation of our suggestion.

We have been asked to provide any edits by **2pm May 27, 2011**. If we submit edits after that time, they will likely be disregarded because the responses will already have been sent to the Hill for publication.

Question: I am concerned about press reports suggesting that States and localities cannot opt out of participation in the Secure Communities program. What exactly is the DHS position on this issue?

First, can a state or locality that agreed to cooperate with Secure Communities later opt out?

FBI-SC-FPL-96

b7E

Second, what about a state that has never signed up for Secure Communities, such as my home state of Vermont? If Vermont does not wish to sign up for Secure Communities, will it lose access to national criminal databases?

Response: ICE acknowledges that some of its previous public statements on Secure Communities were unclear and may have led to confusion about whether a jurisdiction can "opt out" of the program. ICE apologizes for any misunderstandings that its earlier messages may have caused.

Secure Communities is mandatory in that, once Secure Communities is activated in a jurisdiction, the fingerprints that state and local jurisdiction submits to the FBI to be checked against the Department of Justice's biometric system for criminal history records are automatically sent to DHS's biometric system to check against its immigration and law enforcement records. The United States government has determined that a jurisdiction cannot choose to have the fingerprints it submits to the federal government processed only for criminal history checks. Further, jurisdictions cannot demand that the identifications that result from DHS's processing of the fingerprints not be shared with local ICE field offices in that jurisdiction. The local ICE field office, and not the state or local law enforcement agency, determines what immigration enforcement action, if any, is appropriate. In that sense, a state or local jurisdiction may not "opt out" of Secure Communities.

A jurisdiction may, however, choose not to receive the identifications that result from processing the fingerprints through DHS's biometric system that are provided to the local ICE field office. This ability for jurisdictions to choose not to receive the results of the information sharing between the FBI and DHS has in the past been mischaracterized as a mechanism for a jurisdiction to "opt out" of the program as a whole. In fact, a jurisdiction's decision not to receive this information does not affect whether the local ICE field office in that jurisdiction will or will not take enforcement action based on those results.

Under this administration, ICE has prioritized the removal of aliens who pose a danger to national security or public safety, with a particular focus on convicted criminals, as well as the removal of recent border violators, illegal reentrants, and fugitives because these priorities best protect public safety in the United States.

One important tool that ICE relies upon to advance these priorities is Secure Communities, which facilitates ICE's ability to identify and remove aliens who pose a threat to public safety. Between October 2008 and the end of FY 2010, the number of convicted criminals that ICE removed from the U.S. increased 71%, while the number of non-criminals removed dropped by 23%. These trends are due in significant part to the implementation and expansion of Secure Communities. In fact, Secure Communities has accounted for 29% of all ICE criminal alien removals this year to date.

Although Secure Communities will be activated nationwide in 2013, a jurisdiction that wishes to adjust its deployment schedule can contact ICE to discuss. ICE will work with them to address any concerns and determine appropriate next steps.

If Vermont, or any other state, does not sign the memorandum of agreement, it will not lose access to the national criminal databases.

FBI-SC-FPL-97

b7E

ICE continues to work with its law enforcement partners across the country to responsibly and effectively implement Secure Communities. This cooperation has resulted in the removal of more than 72,000, convicted criminal aliens, including more than 26,000 convicted of the most serious offenses like murder, rape, and the sexual abuse of children.

Please call if you would like to discuss. Thanks for your help!



b6
b7C

FBI-SC-FPL-98

b7E

