

Exhibit B

Documents 23 - 37

Exhibit B

Document 23

Unknown

From: (b)(6), (b)(7)(C)
Sent: Monday, September 06, 2010 9:52 PM
To: (b)(6), (b)(7)(C)
Subject: FW: [Fwd: [immprof] Santa Clara County re Secure Communities and detainees]
Attachments: 9-1-10 Santa Clara County.pdf

You might want to review first thing in the morning and see if there is anything to add or mention on your white paper.

(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: Monday, September 06, 2010 1:27 PM
To: (b)(6), (b)(7)(C)
Subject: FW: [Fwd: [immprof] Santa Clara County re Secure Communities and detainees]

It appears Peter has to attend a secure communities meeting Tuesday at 2:30. How are we doing on the opt-out project? He sent the attached, if we did not already have it...

From: Vincent, Peter S [mailto:(b)(6), (b)(7)(C)]
Sent: Friday, September 03, 2010 7:47 AM
To: (b)(6), (b)(7)(C)
Subject: FW: [Fwd: [immprof] Santa Clara County re Secure Communities and detainees]

Good Morning (b)(6), (b)... A bit of information for your SC project.

Best regards,

(b)(6), ...

Peter S. Vincent
Principal Legal Advisor
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
(b)(6), (b)(7)(C)

From: Martin, David A [mailto:(b)(6), (b)(7)(C)]
Sent: Friday, September 03, 2010 12:00 AM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Martin, David A
Subject: Fw: [Fwd: [immprof] Santa Clara County re Secure Communities and detainees]

12/11/2011

(b)(6), ...

I spoke to John Morton briefly yesterday about issues posed by some Calif cities (esp San Francisco) wanting to opt out or limit participation in Secure Cmities, tho AG Brown has signed up the full state and prefers to keep all cities involved. There is apparently no ready technological way to cut out certain cities (it's an on-off matter, basically accomplished by our interface w FBI) - and we certainly do not want to let cities dictate what info federal agencies can share within the US govt from info sent to one of them.

John has now called a meeting for next Tues at 2:30 on this issue. You (or maybe (b)(6), (b)(7)(C)) are probably the logical person to attend with me, but let me know your advice on that. Also, to anyone else copied on this email, please let me know if there are others within hq OGC with relevant expertise.

I don't yet have any read-ahead from John, but the attached memo from Santa Clara County, which is also considering an opt-out, helps map the main legal issues.

-Dave

David A. Martin
Principal Deputy General Counsel
Department of Homeland Security

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

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From: David Martin <(b)(6), (b)(7)(C)>
To: Martin, David A <(b)(6), (b)(7)(C)>
Sent: Thu Sep 02 22:54:35 2010
Subject: [Fwd: [immprof] Santa Clara County re Secure Communities and detainers]

----- Original Message -----

Subject:[immprof] Santa Clara County re Secure Communities and detainers
Date:Fri, 27 Aug 2010 12:52:43 -0500
From: (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) >
Reply-To:Immigration Law Professors List <(b)(6), (b)(7)(C)>
To:Immigration Law Professors List <(b)(6), (b)(7)(C)>

From: (b)(6), (b)(7)(C) [mailto:(b)(6), (b)(7)(C)]
On Behalf Of (b)(6), (b)(7)(C)
Sent: Friday, August 27, 2010 12:29 PM
To: (b)(6), (b)(7)(C)
Subject: [NationalImmigrationProject] Fwd: [StopSComm4CA] county counsel letter analyzing S-Comm [1 Attachment]

[Attachment(s) from (b)(6), (b)(7)(C) included below]

12/11/2011

Forwarding an email with attachment: the Santa Clara County Counsel's view of the legal force of ICE's requests for Secure Communities cooperation AND, most excitingly, for 287.7 detainees. Can we get other county counsel's to advise their county supervisors this way?

----- Forwarded message -----

From: (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>
Date: Thu, Aug 26, 2010 at 2:55 PM
Subject: [StopSComm4CA] county counsel letter analyzing S-Comm
To: (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>

From Santa Clara. It's really good, especially highlighting what the County Counsel believes is the *voluntary* nature of immigration detainees, pp 11-12.




(b)(6), (b)(7)(C)
Staff Attorney
ACLU of Northern California
39 Drumm Street
San Francisco, California 94111
tel. (b)(6), (b)(7)(C)
fax. (415) 255-8437

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Attachment(s) from Richard Coshnear

1 of 1 File(s)

 2010..09.01 sta clara county counsel opinion on scomm.pdf [Reply to sender](#) | [Reply to group](#) | [Reply via web post](#) | [Start a New Topic](#)

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immprof as: (b)(6), (b)(7)(C)

To unsubscribe send a blank email to leave-27592117-@groups.yahoo.com

12/11/2011

2926373.3 [REDACTED] (b)(6), (b)(7)(C) <leave-27592117-
2926373.3 [REDACTED] (b)(6), (b)(7)(C)

Exhibit B

Document 24

RE: Cook county

[Redacted]

Sent: Friday, September 10, 2010 12:04 PM

To: [Redacted]@dhs.gov

Cc: [Redacted]

Attachments: Municipal Code of Chicago.doc (29 KB) ; Cook County Resolution 07-~1.doc (32 KB)

[Redacted]

Attached is the Cook County Resolution as well as the Chicago Ordinance that I found (along with the website noted at the bottom of each).

In the Cook County Resolution (which I have highlighted), it states that Sheriff's Office cannot "assist in the investigation of the citizenship or immigrant status of any person unless such inquiry or investigation is (a) integrally related to an investigation by the Cook County Sheriff's Office regarding a matter other than the individual's citizenship or immigrant status, such as criminal smuggling and harboring of immigrants, or other crimes that have as an element of the crime the illegality of a person's presence, or (b) as otherwise required by law."

In the Municipal Code of Chicago, it states:

No agent or agency shall request information about or otherwise investigate or assist in the investigation of the citizenship or residency status of any person unless such inquiry or investigation is required by Illinois State Statute, federal regulation, or court decision. Notwithstanding this provision, the Corporation Counsel may investigate and inquire about immigration status when relevant to potential or actual litigation or an administrative proceeding in which the City is or may be a party.

Let me know if you have any questions.

b6
b7C
b7E

[Redacted]

Supervisory Management and Program Analyst
FBI CJIS Division
Interoperability Initiatives Unit
Global Operations Section

[Redacted]@leo.gov

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From: [Redacted]
Sent: Friday, September 10, 2010 11:26 AM
To: [Redacted]@dhs.gov
Cc: [Redacted]
Subject: Re: Cook county

Good question. Language does not appear in opposition so much to me either.

FBI-SC-TPE-882

[Redacted]

8/2/2011

Charity also had some other info she will send.

[Redacted]
FBI/CJIS
Global Operations
O
C [Redacted]

From: [Redacted]@dhs.gov
To: [Redacted]@dhs.gov
Cc: [Redacted]
Sent: Fri Sep 10 11:19:06 2010
Subject: Re: Cook county

[Redacted]

The way we read this is; that the county can share their fingerprints. Thus I need to ask the question what is the issue?

Why does the SIB need the ok in writing as this ordinance clearly states that it can be done. Can the passing of the ordinance be the affirmative notification, and the county be turned on?

Thanks

[Redacted] SSA

FBI-CJIS Liaison
DHS Law Enforcement Information Sharing Initiative
ICE Homeland Security Investigations
Immigration and Customs Enforcement
U.S. Department of Homeland Security

b6
b7C
b7E

Office: [Redacted]
BB: [Redacted]
Cell: [Redacted]

[Redacted]@dhs.gov

From: [Redacted]@ic.fbi.gov
To: [Redacted]@dhs.gov
Cc: [Redacted]@ic.fbi.gov; [Redacted]@ic.fbi.gov; [Redacted]
<[Redacted]@ic.fbi.gov>
Sent: Thu Sep 09 20:43:19 2010
Subject: Re: Cook county

[Redacted]

Here is the specific one we believe is at issue. I just heard from SC PMO and they are referencing same one.
FBI-SC-FPL-883

Section 1373:

[Redacted]

8/2/2011

(a) In general Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Additional authority of government entities Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

(1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.(2) Maintaining such information.(3) Exchanging such information with any other Federal, State, or local government entity.(c) Obligation to respond to inquiries The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

[Redacted]
FBI/CJIS
Global Operations
O [Redacted]
C [Redacted]

From: [Redacted]@dhs.gov>
To: [Redacted]@dhs.gov>
Cc: [Redacted]
Sent: Thu Sep 09 15:32:13 2010
Subject: Re: Cook county

[Redacted]

Any luck?

[Redacted]

SSA

FBI-CJIS Liaison

DHS Law Enforcement Information Sharing Initiative

ICE Homeland Security Investigations

Immigration and Customs Enforcement

U.S.Department of Homeland Security

Office

[Redacted]

BB:

Cell:

[Redacted]@dhs.gov

FBI-SC-FPL-884

b6
b7C
b7E

From: [redacted]@dhs.gov
To: [redacted]@ic.fbi.gov; [redacted]@ic.fbi.gov; [redacted]@dhs.gov
Cc: [redacted]@ic.fbi.gov <[redacted]@ic.fbi.gov>; [redacted]@ic.fbi.gov <[redacted]@ic.fbi.gov>; [redacted]@ic.fbi.gov <[redacted]@ic.fbi.gov>
Sent: Wed Sep 08 17:11:41 2010
Subject: Re: Cook county

Thank you
[redacted] SSA

FBI-CJIS Liaison
DHS Law Enforcement Information Sharing Initiative
ICE Homeland Security Investigations
Immigration and Customs Enforcement
U.S. Department of Homeland Security

Office: [redacted]
BB: [redacted]
Cell: [redacted]

[redacted]@dhs.gov

From: [redacted]@ic.fbi.gov
To: [redacted]@dhs.gov; [redacted]@dhs.gov
Cc: [redacted]@ic.fbi.gov; [redacted]@ic.fbi.gov; [redacted]
Sent: Wed Sep 08 17:10:44 2010
Subject: Re: Cook county

b6
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[redacted]
We only have the ordinances we THINK are the issue, SC PMO may have the actual.

[redacted] please send [redacted] the ones we believe are the issue.

[redacted]
FBI/CJIS
Global Operations
O [redacted]
C [redacted]

From: [redacted]@dhs.gov
To: [redacted]
Sent: Wed Sep 08 17:07:32 2010
Subject: Re: Cook county

[redacted]
I need the ordinances that were talked about.

FBI-SC-FPL-885

[redacted]

Thanks



SSA

FBI-CJIS Liaison

DHS Law Enforcement Information Sharing Initiative

ICE Homeland Security Investigations

Immigration and Customs Enforcement

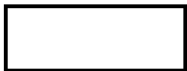
U.S. Department of Homeland Security

Office



BB:

Cell:



@dhs.gov

----- Original Message -----

From: [Redacted]@ic.fbi.gov>

To: [Redacted]@dhs.gov <[Redacted]@dhs.gov>

Sent: Tue Sep 07 15:12:00 2010

Subject: Cook county



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b7C
b7E

When we left the meeting with sc pmo a couple weeks ago, Steven asked Pender/Morris wait before reaching out to their POCs until you guys had a chance to review city/county ordinance in question.

Any progress? Do you need the DADs and AD to go ahead and reach out to their POCs?



FBI/CJIS

Global Operations

O

C



FBI-SC-FPL-886



8/2/2011

Municipal Code of Chicago

2-173-010 Definitions.

As used in this ordinance, the following words and phrases shall mean and include:

(a) Agency. "Agency" means every department, agency, division, commission, council, committee, board, other body, or person established by authority of an ordinance, executive order, or City Council order.

(b) Agent. "Agent" means any person employed by or acting on behalf of an agency as defined in Section (a).

(c) Citizenship or residency status. "Citizenship or residency status" means all matters reading questions of citizenship of the United States or any other country, questions of authority from the Department of Homeland Security—or federal entity charged with enforcing civil **immigration** laws—to reside in or otherwise be present in the United States, and the time or manner of a person's entry into the United States. The use in this ordinance of the term "residency" shall not mean street address or location of residence in Chicago or elsewhere.

(Added Coun. J. 3-29-06, p. 74325, § 1)

2-173-020 Requesting information prohibited.

No agent or agency shall request information about or otherwise investigate or assist in the investigation of the citizenship or residency status of any person unless such inquiry or investigation is required by Illinois State Statute, federal regulation, or court decision. Notwithstanding this provision, the Corporation Counsel may investigate and inquire about **immigration** status when relevant to potential or actual litigation or an administrative proceeding in which the City is or may be a party.

(Added Coun. J. 3-29-06, p. 74325, § 1)

2-173-030 Disclosing information prohibited.

Except as otherwise provided under applicable federal law, no agent or agency shall disclose information regarding the citizenship or residency status of any person unless required to do so by legal process or such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or guardian.

(Added Coun. J. 3-29-06, p. 74325, § 1)

2-173-040 Conditioning benefits, services, or opportunities on immigrant status prohibited.

No agent or agency shall condition the provision of City of Chicago benefits, opportunities, or services on matters related to citizenship or immigrant status unless required to do so by statute, federal regulation, or court decision. Where presentation of an Illinois driver's license or identification card is accepted as adequate evidence of identity; presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document) shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided an Illinois driver's license or identification card except that this sentence does not apply to the completion of the federally mandated I-9 forms.

(Added Coun. J. 3-29-06, p. 74325, § 1)

2-173-050 No private cause of action.

This chapter does not create or form the basis for liability on the part of the City, its agents, or agencies. The exclusive remedy for violation of this chapter shall be through the City's disciplinary procedures for officers and employees under regulations including but not limited to this City personnel rules, union contracts, civil service commission rules, or any other agency rules and/or regulations. A person alleging a violation of this chapter shall forward a complaint to the Office of the Inspector General ("Inspector General") who shall process it in accordance with the complaint-processing procedures established in Chapter 2-56 of this Code except that if the complaint is against any member of the City Council or any employee or staff person of any City Council committee, the Inspector General shall promptly transmit said complaint to the chairman of the City Council Committee on Committees, Rules and Ethics for processing or such successor committee having jurisdiction over said matters and if the complaint is against any member of the Chicago Police Department, the Inspector General shall transmit it to the Chicago Police Department for processing.

(Added Coun. J. 3-29-06, p. 74325, § 1)

2-173-060 Exchanging file information.

All applications, questionnaires, and interview forms used in relation to City of Chicago benefits, opportunities, or services shall be promptly reviewed by the pertinent agencies and any questions regarding citizenship or residency status other than those required by statute, ordinance, federal regulation, or court decision, shall be deleted within 60 days of the passage of this ordinance.

(Added Coun. J. 3-29-06, p. 74325, § 1)

2-173-070 Severability.

If any provision, clause, section, part, or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair, or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared that the legislative intent of the City Council that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein.

(Added Coun. J. 3-29-06, p. 74325, § 1)

[http://www.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/municipalcodeofchicago?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:chicago_il](http://www.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/municipalcodeofchicago?f=templates$fn=default.htm$3.0$vid=amlegal:chicago_il)

07-R-240

RESOLUTION

Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT, ROBERTO MALDONADO,
JOSEPH MARIO MORENO AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE FORREST CLAYPOOL, JOAN PATRICIA MURPHY, MIKE QUIGLEY
AND ROBERT B. STEELE, COUNTY COMMISSIONERS**

**RESOLUTION DECLARING COOK COUNTY A
“FAIR AND EQUAL COUNTY FOR IMMIGRANTS”**

WHEREAS, the County of Cook is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution; and

WHEREAS, pursuant to its home rule power, the County of Cook may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, to this end, the County of Cook is dedicated to providing all of its residents with fair and equal access to the services, opportunities, and protection county government has been established to administer; and

WHEREAS, there are now approximately 12 million undocumented immigrants in the United States, including half a million in Illinois and more than 300,000 who live in communities throughout Cook County, working full-time jobs, paying taxes, and contributing to Social Security and Medicare; and

WHEREAS, conditioning the provision of benefits, opportunities, and services on citizenship or immigrant status or inquiring about such status in the course of such provision directly contravenes the County's commitment to ensuring fair and equal access for all of its residents; and

WHEREAS, the enforcement of civil immigration laws has historically been a federal government responsibility, a power vested first in the Immigration and Naturalization Service and then in the Department of Homeland Security; and

WHEREAS, initiatives such as the proposed Federal Clear Law Enforcement for Criminal Alien Removal Act, which would require local governments to give their local law enforcement agencies express authority to enforce immigration laws, also signals pressure to expend limited local resources on traditionally federal functions; and

WHEREAS, encouraging local governments that are not specifically equipped or trained to implement immigration measures is likely to result in inconsistencies and decentralization that undermine instead of strengthen these measures; and

WHEREAS, as a matter of public safety, the protection of an individual's citizenship and immigrant status will engender trust and cooperation between law enforcement officials and immigrant communities to aid in crime prevention and solving, including human and drug trafficking, prostitution, domestic violence, and even terrorism, and will discourage the threat of immigrant and racial profiling and harassment; and

WHEREAS, according to the National Immigration Law Center, nearly 50 cities and counties throughout the U.S. have enacted "Sanctuary Laws", prohibiting their agencies from inquiring about immigration status and unilaterally enforcing immigration law provisions including Cambridge, Chicago, Los Angeles, and Seattle and several states, including Alaska, Maine and Oregon; and

WHEREAS, by means of this Resolution, Cook County joins states, cities, and counties across the nation by declaring itself a "Fair and Equal County for Immigrants", which means that Cook County ensures fair and equal access to essential benefits, opportunities, and services by prohibiting Cook County bureaus, offices, departments, or employees or other Cook County agencies or agents from inquiring or disclosing information about immigration status.

NOW, THEREFORE, BE IT RESOLVED, that except as provided below or when otherwise required by law, no Cook County bureau, office, department, employee, or other Cook County agency or agent

shall condition the provision of Cook County benefits, opportunities, or services on matters related to citizenship or immigrant status; and

BE IT FURTHER RESOLVED, that it shall be the policy of the Cook County Sheriff's Office not to assist in the investigation of the citizenship or immigrant status of any person unless such inquiry or investigation is (a) integrally related to an investigation by the Cook County Sheriff's Office regarding a matter other than the individual's citizenship or immigrant status, such as criminal smuggling and harboring of immigrants, or other crimes that have as an element of the crime the illegality of a person's presence, or (b) as otherwise required by law. The Cook County Sheriff's Office shall not make inquiries into immigration status for the sole purpose of determining whether an individual has violated the civil immigration laws; and

BE IT FURTHER RESOLVED, that except when otherwise required by law, no Cook County bureau, office, department, or employee or other Cook County agency or agent shall disclose information regarding the citizenship or immigrant status of any person unless required to do so by law or such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or guardian; and

BE IT FURTHER RESOLVED, that the Cook County Bureau of Health Services ("CCBH") shall not condition the provision of health benefits, opportunities, or services on matters related to citizenship or immigrant status, but may, in the course of determining eligibility for benefits or seeking reimbursement from state, federal, or other third party payers, inquire about immigrant status for the sole purpose of such a determination or receipt of reimbursement from said sources and, to such extent as the disclosure of such information is related to such a determination or receipt of reimbursement, the provisions of this Resolution and any subsequent ordinance do not apply to the CCBH; and

BE IT FURTHER RESOLVED, that except when otherwise required by law, where presentation of an Illinois driver's license or identification card is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document) shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided an Illinois driver's license or identification card except that this provision does not apply to the completion of the federally mandated I-9 forms provided, however, that a request for translation of such document to English shall not be deemed a violation of any provision of this Resolution and any subsequent ordinance; and

BE IT FURTHER RESOLVED, that this Resolution does not create or form the basis for liability on the part of the County, its agents, or agencies. The exclusive remedy for violation of this Resolution shall be through the County's disciplinary procedures for officers and employees under regulations including, but not limited to, County personnel rules, union contracts, civil service commission rules, or any other agency rules and/or regulations. Any person alleging a violation of this Resolution shall forward a complaint to the Cook County Office of the Inspector General ("Inspector General") who shall process it in accordance with the complaint-processing procedures established in the Cook County Code (Vol. I, Ch. 2, Art. IV, Div. 5, Sec. 2-285); and

BE IT FURTHER RESOLVED, that any applications, questionnaires and interview forms used in relation to Cook County benefits, opportunities or services shall be promptly reviewed by the pertinent agencies, and any questions requiring disclosure of information related to citizenship or immigrant status, other than those (a) permitted by this Resolution to require the disclosure of such information or (b) otherwise required by law, shall be, in the best judgment of the pertinent agency, either deleted in its entirety or revised such that the disclosure is no longer required. Such review and revision shall be completed within ninety (90) days of the passage of this Resolution.

Approved and adopted this 5th day of June 2007.

Exhibit B

Document 25



Letter from the Assistant Director

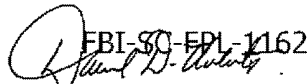
To All Advisory Process Members:

I am very pleased to present to you the updated version of the *CJIS Advisory Process Information Handbook*. The *Handbook* explains the roles, duties, and responsibilities of the Criminal Justice Information Services (CJIS) Advisory Process members and provides an overview of the CJIS Advisory process.

The Advisory Policy Board is chartered under the provisions of the Federal Advisory Committee Act of 1972. The APB provides guidance to the FBI Director on criminal justice information issues comprised of a network of working groups, subcommittees, and task forces. The Advisory Process members represent local, state, tribal, and federal criminal justice agencies throughout the United States, its territories, and Canada. As a member of the Advisory Process, you share, with the FBI, the management responsibilities of its criminal justice information services. There are currently six programs under the management of the CJIS Division which provide services to the criminal justice community. These programs are the Integrated Automated Fingerprint Identification System (IAFIS), the Law Enforcement National Data Exchange Program, the Law Enforcement Online, the National Crime Information Center, The National Instant Criminal Background Check System, and the Uniform Crime Reporting Program. Advisory Process members are also currently involved with the FBI in the development and implementation of the Next Generation Identification (NGI) which will be a major upgrade to the current IAFIS. The NGI will also establish a framework to support multimodal developments in biometrics. The Process also supplies critical oversight for our interoperability efforts with the Department of Defense, Department of State, and the Department of Homeland Security, including the Secure Communities Program.

The Advisory Process is essential in furthering the goals of the criminal justice community. From the beginning, Advisory Process members have been instrumental in resolving complex issues that impact the development, delivery, effectiveness, and efficiency of the CJIS Division systems and CJIS services. These services provide effective tactical law enforcement support and enhanced safety for law enforcement officers and citizens.

Thank you for your dedication and support of the Advisory Process. I look forward to working with each of you.

 FBI-SC-EPL-1162

Daniel D. Roberts
Assistant Director
Criminal Justice Information
Services Division

The Advisory Groups Management Unit (AGMU)



The AGMU is responsible for the detailed planning, staffing, administration, and coordination of the CJIS Advisory Process, which is composed of the APB, the APB's Subcommittees, the CJIS Working Groups, and other ad hoc committees and task forces. In this role, the AGMU ensures that the Advisory Process operates within the rules and regulations set forth in the Federal Advisory Committee Act (FACA), Title 5, United States Code, Appendix, and the Bylaws for the APB and Working Groups.

The AGMU maintains the schedules for all APB, Subcommittee, Working Group, and task force meetings. These responsibilities include developing meeting agendas through coordination with other CJIS Division offices, other FBI entities, other Government agencies, and the customers of the CJIS Division programs; preparing meeting announcements for publication in the *Federal Register* in accordance with the requirements of the FACA; securing government-rate lodging and transportation for meeting attendees; ensuring that members file proxy notices as required by the Bylaws; preparing minutes of the meetings; preparing and submitting vouchers for attendee reimbursement; maintaining budget information for CJIS Division budget planning purposes and reporting requirements of the FACA; and preparing appropriate correspondence to the Director to apprise him of APB recommendations on agenda items and to secure his concurrence with these recommendations.

The AGMU maintains up-to-date membership lists for the APB, the APB's Subcommittees, the CJIS Working Groups, and other ad hoc committees and task forces. The Unit assists other CJIS Division entities hosting meetings when the presence of criminal justice community representatives is required.

"There is no other country that in any way, shape, or form replicates what we've established here, thanks to the good work of those at CJIS and all of you who contribute here in this room."

– FBI Director,
Robert S. Mueller to the
CJIS APB June 2009.

FBI-SC-FPL-1178

Exhibit B

Document 26

**Department of Homeland Security
Department of Justice Federal Bureau of Investigation
Department of State
Department of Defense
Interoperability Integrated Project Team Charter**

Mission Statement

The mission of the Interoperability Integrated Project Team (IPT) is to achieve interoperability of the Department of Homeland Security (DHS) United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program's Automated Biometric Identification System (IDENT) and Department of Justice (DOJ) Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Division's Integrated Automated Fingerprint Identification System (IAFIS) to enable sharing of biometric and related biographic, criminal history, and immigration history information to meet respective agency missions. Interoperability is the seamless ability to share data that is complete, accurate, current, and timely (available as needed) among and between participating stakeholders. The flow of information being shared must be multi-directional, not just one-way. Henceforth, throughout the remainder of this charter, any references to interoperability are meant to reflect efforts by the DOJ, DHS, Department of State (DOS), and Department of Defense (DoD), as well as interested stakeholders, to make the biometric-based, identification systems of IDENT and IAFIS interoperable, as mandated by Congress.

Charter

DHS, through the US-VISIT Program, DOJ, through the FBI's CJIS Division, DOS, through the Bureau of Consular Affairs, and DoD, through the Director of Defense Biometrics, recognize the need to efficiently share biometric and related biographic information, and to satisfy Congress' mandate to develop a solution for information sharing. On June 21, 2005, the original US-VISIT/DOJ FBI/DOS Interoperability IPT Charter was signed, and the agencies' leadership agreed to establish an Executive Steering Committee (ESC) to provide high-level guidance and approval for a biometric-based information sharing solution. The ESC appointed members to the IPT to lead the design, development, and implementation of an information sharing solution.

On June 22, 2007, DHS/US-VISIT, DOJ/FBI/CJIS, and DOS, Bureau of Consular Affairs renewed the Interoperability IPT Charter. At that time, the IPT included a core group of key individuals from DOJ/ FBI, DHS, and DOS. The IPT was supported by three sub-teams: Strategy and Policy, Business Requirements, and Information Technology. The sub-teams consisted of core IPT members and other subject matter experts. They were co-led by DHS/US-VISIT and DOJ/FBI representatives who report to, and are members of the IPT, and participate in ESC meetings.

During the ESC meeting on March 18, 2009, a formal decision was made to elevate DoD's participation from that of member status to that of an executive on the ESC. This decision was agreed upon by all current executive stakeholders.

The following sub-teams, consisting of core Interoperability IPT members and other subject matter experts, integrated from each ESC executive office, now including DoD, will continue to work in concert:

- ◇ Strategy and Policy
- ◇ Business Requirements
- ◇ Information Technology

Duration

This charter is valid for the period of time necessary for the IPT to carry out its mission. Any one of the four principal parties to this charter (DHS, DOJ, DOS, and DoD) may withdraw from the charter upon written notification to the other three parties.

Interoperability Roles and Responsibilities

Executive Steering Committee:

The ESC executives and members are considered executive business owners for Interoperability. They identify and determine high-level policy, business, and data requirements, as well as guide the design, development, and implementation of the information sharing solution.

The executives are the final decision makers for the Interoperability solution. Recommendations generated by the Interoperability sub-teams or stakeholders are provided to the ESC for their concurrence. Decisions from the ESC require the unanimous consent of the executives.

Members represent key offices within DHS, DOJ, DOS, DoD, the Interoperability sub-teams, Interoperability stakeholders, and Federal partners. The members are expected to provide subject matter expertise to assist the ESC executives in providing overall guidance to the IPT.

ESC Executives:

- US-VISIT Director (or designee)
- FBI CJIS Division Assistant Director (or designee)
- Deputy Assistant Secretary for Visa Services (or designee)
- Director of Defense Biometrics, Office of the Secretary of Defense (or designee)

Members:

Department of Homeland Security

- US-VISIT Deputy Director
- US-VISIT Assistant Director of Program Integration and Mission Services
- US-VISIT Assistant Director/Chief Information Officer
- US-VISIT Deputy Assistant Director for Project Management
- US-VISIT Deputy Assistant Director for Business Policy and Planning
- US-VISIT Deputy Assistant Director for Identity Services
- US-VISIT IPT Lead
- US-VISIT Strategy and Policy Sub-Team Lead
- US-VISIT Business Requirements Sub-Team Lead

- US-VISIT Information Technology Sub-Team Lead
- Immigration and Customs Enforcement Representative(s)
- Customs and Border Protection Representative(s)
- U.S. Citizenship and Immigration Services Representative(s)

Department of Justice

- FBI CJIS Deputy Assistant Director, Operations Branch
- FBI CJIS Deputy Assistant Director, Policy, Administration, and Liaison Branch
- Office of the Director, FBI
- DOJ Chief Information Officer
- FBI CJIS Designated Federal Official
- State and Local Law Enforcement Representative (Criminal Justice Stakeholder)
- FBI CJIS Policy Initiation Coordination Section Chief
- FBI CJIS Biometric Interoperability Executive Program Manager
- FBI CJIS Biometric Interoperability Program Manager
- FBI CJIS IPT Lead
- FBI CJIS Strategy and Policy Sub-Team Lead
- FBI CJIS Business Requirements Sub-Team Lead
- FBI CJIS Information Technology Sub-Team Lead

Department of State

- Deputy Assistant Secretary for Visa Services Representative

Department of Defense

- DoD Director of Defense Biometrics Representative
- DoD Biometrics Task Force Representative

IPT Responsibilities

The IPT project leads have the responsibility for the project's success. The project leads will direct the overall effort, provide clear guidance to ensure timeliness and consistency of deliverables, and act as primary points of contact for project status. The IPT is responsible for providing regular updates at the weekly interagency meetings on the various ongoing interoperability initiatives, particularly any updates that would affect the schedule or risks. The IPT is the body within the interagency governance process (outlined within this charter) that makes recommendations for approval to the ESC and also promotes issues of concern for a final executive decision. The sub-teams, under direction from their team co-leads, will perform duties as defined by the IPT project leads. It is expected that the team co-leads will develop appropriate business case analysis, project planning and scheduling information, and provide status information for their teams to the IPT.

Strategy and Policy Sub-Team Responsibilities

The Strategy and Policy sub-team will continue to ensure that Interoperability planning and implementation is consistent with DHS, DOJ, DOS, and DoD policies and strategies.

The team will provide recommendations to the IPT on policy and strategy issues, and the roles of the other federal, state, and local agencies in the project's efforts.

Business Requirements Sub-Team Responsibilities

The Business Requirements sub-team will continue to gather and validate business requirements as a result of stakeholder communications to ascertain user requirements, control changes, and guarantee operational stakeholder consensus. The Business Requirements sub-team will consult with the IT sub-team to ensure technical requirements are consistent with the business requirements.

Information Technology Sub-Team Responsibilities

The IT sub-team (ITT) will oversee the design, development, testing, and implementation of the technical solution. The ITT will review the business requirements and advise the IPT on the most feasible technical solution and logical approach. The IT sub-team will ensure the technical solution is aligned with the DHS and DOJ/FBI enterprise architecture.

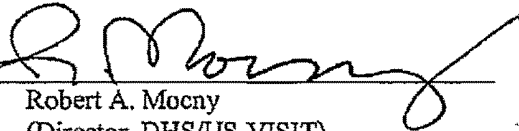
Guiding Principles*

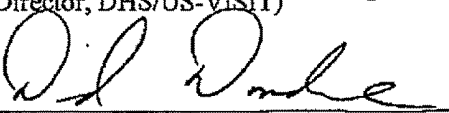
In as much as the DHS and the FBI both have overarching responsibilities to protect citizens and lawfully admitted immigrants/non-immigrants of the United States, these guiding principles serve as the foundation for sharing biometric and related biographic, criminal history, and immigration history information between agencies, appropriate to each agency's mission, as allowed by law and policy.

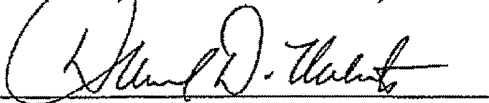
- The DHS has responsibility for its mission, and should have primary responsibility for the resources and technology required to operationally support its mission.
- The FBI has responsibility for its mission, and should have primary responsibility for the resources and technology required to operationally support its mission.
- The DHS maintains a repository of immigration information which includes visa information from the DOS and is responsible for ensuring its integrity, maintaining it on a timely basis in an accurate and complete state, and has responsibility for its lawful use and dissemination.
- The FBI maintains a national repository of criminal justice information and is responsible for ensuring its integrity, maintaining it on a timely basis in an accurate and complete state, and has responsibility for its lawful use and dissemination.
- Where the missions of one agency require access to the information maintained by the other, the information shall be provided in a timely manner to allow the requesting agency to meet its mission requirement.
- Each agency must protect the privacy rights of all individuals represented by the information maintained by either agency when accessing or using that information to accomplish their respective missions.

*These Guiding Principles were established as the foundation for information sharing in May 2005 when the primary components of the Interoperability IPT included DHS, DOJ/FBI, and DOS. Any new signatories to the Interoperability IPT Charter must recognize their role and the role of current signatories and abide by the premise set forth under these guiding principles.

This charter is agreed to on September 17, 2009 (date)

By: 
Robert A. Moczny
(Director, DHS/US-VISIT)

By: 
David Donahue
(Deputy Assistant Secretary for Visa
Services, DOS/Consular Affairs)

By: 
Daniel D. Roberts
(Assistant Director, DOJ/FBI CJIS)


By: 
Thomas Dee
(DOD Director of Defense Biometrics,
Office of the Secretary of Defense)

Exhibit B

Document 27

[Redacted]

From: [Redacted]@dhs.gov
Sent: Tuesday, March 30, 2010 2:58 PM
To: [Redacted]@leo.gov
Subject: DC

[Redacted]

I've included the request from Chief Lanier as well as a recap of our chat with [Redacted] Let me know if you want to discuss.

We had an idea on the phone with CJIS. Perhaps DC could use a different ORI when submitting DVs. We would simply not activate that ORI [Redacted] is going to call [Redacted] and have that checked out.

Advantages:

- 1) Avoids the APB route and all that goes with that
- 2) Puts their requirement back on them, CJIS does not have to change anything
- 3) Would still be documented in an SOP (either between us, or just internal to DC) that can be used with the Chief's constituents

Possible problems:

- 1) Their live scan terminals might not be easily reconfigured on the fly
- 2) They might forget, and other submissions sent from the non-active ORI are missed
- 3) What to do in 2013 when NGI passes everything, but by that time we will have ATP and we could work something there.

From: [Redacted] (MPD) [mailto:[Redacted]@dc.gov] Sent: Friday, March 26, 2010 3:39 PM To: [Redacted]
[Redacted]@hq.dhs.gov Subject: Follow-up: Secure Communities

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[Redacted]

Thanks again for your help last week. As we discussed, there are two important matters that we must first complete in order for us to move forward with activation of Secure Communities. First, we will need to update the MOA to properly articulate the focus on prior convictions for Level 1 offenses. That should be an easy edit. Second, we need to develop a mechanism that filters certain lesser offenses. Because the interoperability exists between IAFIS and IDENT, this filter would need to be on the FBI-CJIS side, which we were told would require us to submit a formal request (topic paper) through the FBI-CJIS Advisory Policy Board (APB) process. The APB process will take approximately eight months since the subcommittee would have to review the request at their meeting in April, the full Board would review in August, and Director approval would theoretically occur sometime soon thereafter. If there is a more-timely, less-bureaucratic way of addressing this issue, we certainly welcome alternative methods. Ultimately, by completing these two steps we accomplish two things: we address the main concerns that have been raised regarding our participation in Secure Communities, and our regular submissions to FBI's IAFIS can remain unaffected. We can then move forward with launching the program in the District.

Thanks again,

Chief Lanier

[Redacted]
Branch Chief, Deployment
Secure Communities, ICE
[Redacted] - desk
[Redacted] - mobile

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. FBI-SC-FPL-1238

Exhibit B

Document 28

request should be reassigned, together with a point of contact (if known).

If you have any questions, comments, suggestions, or require the attached correspondence to be sent to another division/office for action or information, please contact the Executive Secretariat, [redacted], Ext [redacted] [redacted], Ext [redacted] [redacted], or by e-mail to HQ_DIV00_ExecSec.

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-----< TRIM Record Information >-----

Date Due :
Addressee :
Current Action :
All Contacts : AD-Counterterrorism (Other)
EAD-National Security Branch (Other)
Associate Executive Assistant Director-National Security Branch (Other) EAD-Criminal, Cyber, Response, and Services (Other)
AD-Criminal Investigative Division (Other) Business Phone: (202) 324-0439
Office of General Counsel (Other)
SAC-San Francisco (Other)
AD-Criminal Justice Information Services (Other) Business Phone: (304) 625-3158
EAD-Science and Technology Branch (Other) Office of Congressional Affairs (Other) Chief of Staff (Other) Deputy Chief of Staff (Other) AD-Law Enforcement Coordination (Other) Deputy Director (Other)
Access DB or Workflow : 1912661
From : LOFGREN, ZOE
Constituent :
Title (Free Text Part) : (Copy rec'd from OLA via email) Ltr from Chwmn Lofgren, Subcomte on Immigration, Citizenship, Refugees, Border Security, and International Law, Judiciary Comte, writing to follow up on the current deployment of ICE's Secure Communities program. States
Date of Communication : Tuesday, July 27, 2010
Notes : SUBJECT: that the Secure Communities is a voluntary program that relies upon the resources of both DHS & DOJ in order to provide state, local, and federal law enforcement agencies with information related to the immigration status of persons booked into the nation's jails and prisons. Advises that it appears to be significant confusion and requests an explanation of how local law enforcement agencies may opt out of participating in Secure Communities by having fingerprints they collect and submit to the State Identification Bureaus (SIBs) checked against criminal, but not immigration, databases. See WF 1902403. (ST) 'Friday, July 30, 2010 at 9:20:03 AM (GMT-04:00) [redacted]'

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Related Records : 10/DO/2796: (Copy rec'd from OAG) Requesting to meet with the AG or his designee to discuss the narrowly tailored version of the pilot program entitled, Secure Communities, where only serious offenders would become subject to ICE detainers. Attaching a draft (Related to)

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SC-FBI-FPL-1340

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**Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET**

DATE OF DOCUMENT: 07/27/2010
DATE RECEIVED: 07/29/2010

WORKFLOW ID: 1912661
DUE DATE: 8/13/2010

FROM: The Honorable Zoe Lofgren*
U.S. House of Representatives
Washington, DC 20515

TO: AG & DHS

MAIL TYPE: Congressional Priority

SUBJECT: (Copy rec'd from OLA via email) Ltr from Chwmn Lofgren, Subcomte on Immigration, Citizenship, Refugees, Border Security, and International Law, Judiciary Comte, writing to follow up on the current deployment of ICE's Secure Communities program. States that the Secure Communities is a voluntary program that relies upon the resources of both DHS & DOJ in order to provide State, local, and federal law enforcement agencies with information related to the immigration status of persons booked into the nation's jails and prisons. Advises that it appears to be significant confusion and requests an explanation of how local law enforcement agencies may opt out of participating in Secure Communities by having fingerprints they collect and submit to the State Identification Bureaus (SIBs) checked against criminal, but not immigration, databases. See WF 1902403.

DATE ASSIGNED
07/29/2010

ACTION COMPONENT & ACTION REQUESTED
NSD
Prepare response for AAG/OLA signature.

INFO COMPONENT: AG, OAG (), ODAG, OASG, BOP, CRM, EOIR, FBI, OJP, OLA

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COMMENTS:

FILE CODE:

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EXECSEC POC: [] 202- []

**Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET**

DATE OF DOCUMENT: 07/09/2010
DATE RECEIVED: 07/16/2010

WORKFLOW ID: 1902403
DUE DATE: 8/30/2010

FROM: George Gasson*
Chief of Police
City and County of San Francisco
Police Department
850 Bryant Street
San Francisco, CA 94103

TO: AG (cc indicated for OJP)

MAIL TYPE: Priority VIP Correspondence

SUBJECT: (Copy of rec'd from OAG) Requesting to meet with the AG or his designee to discuss the narrowly tailored version of the pilot program entitled, Secure Communities, where only serious offenders would become subject to ICE detainers. Attaching a draft proposal for examination and recommendations.

DATE ASSIGNED
07/19/2010

ACTION COMPONENT & ACTION REQUESTED
OAG

For appropriate handling. Advise ES of any action taken., Office of Justice Programs

INFO COMPONENT: AG, OAG (), ODAG, OASG, CRM, FBI, EOIR, NSD, OIPL

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COMMENTS: 07/19/2010: OJP to coordinate with OAG Scheduling regarding meeting request. To OAG Scheduling for acknowledgment of meeting request.

FILE CODE:

EXECSEC POC: : 202-

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JOHN CONYERS, JR., Michigan
CHAIRMAN

NOWARD L. BERMAN, California
RICK BOUCHER, Virginia
JERROLD NADLER, New York
ROBERT C. "BOBBY" SCOTT, Virginia
MELVIN L. WATTS, North Carolina
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MARGIE WATERS, California
WILLIAM D. DELAHUNT, Massachusetts
STEVE COHEN, Tennessee
HENRY C. "HANK" JOHNSON, JR., Georgia
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TED CRUTCH, Florida
LUS V. GUTENBERG, Nevada
TAMMY BALOWS, Wisconsin
CHARLES A. GONZALEZ, Texas
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JARED POLIS, Colorado

ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3961

<http://www.house.gov/judiciary>

July 27, 2010

LAMAR S. SMITH, Texas
RANKING MEMBER

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TED POE, Texas
JASON CHAFFETZ, Utah
THOMAS ROONEY, Florida
GREG HARTZGROUB, Minnesota

EXECUTIVE SECRETARIAT

JUL 29 AM 9:53

RECEIVED
OFFICE

The Honorable Janet Napolitano
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
Washington, D.C. 20530

Dear Secretary Napolitano and Attorney General Holder:

I am writing to follow up on recent conversations that I have had with each of you regarding the current deployment of ICE's Secure Communities program. As we discussed, Secure Communities is a voluntary program that relies upon the resources of both of your agencies in order to provide State, local, and federal law enforcement agencies with information related to the immigration status of persons booked into our nation's jails and prisons. I am aware that some local law enforcement agencies have expressed concern that participating in Secure Communities will present a barrier to their community policing efforts and will make it more difficult for them to implement a law enforcement strategy that meets their community's public safety needs.

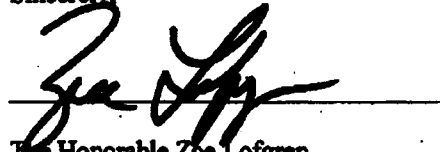
There appears to be significant confusion about how local law enforcement agencies may "opt out" of participating in Secure Communities, such that fingerprints submitted by them to State Identification Bureaus (SIBs) in order to be checked by the Federal Bureau of Investigations (FBI) Criminal Justice Information Services Division (CJIS) Integrated Automated Fingerprint Identification System (IAFIS) will not also be checked against databases or identification systems maintained by the U.S. Department of Homeland Security for purposes of determining immigration status. Staff from the Subcommittee on Immigration, Citizenship, Border Security, Refugees, and International Law were briefed on this program by ICE and were informed that localities could opt out simply by making such a request to ICE. Subsequent conversations with ICE and FBI CJIS have added to the confusion by suggesting that this might not be so.

Please provide me with a clear explanation of how local law enforcement agencies may opt out of Secure Communities by having the fingerprints they collect and submit to the SIBs checked against criminal, but not immigration, databases.

SC-FBI-FPL-1343

Thank you in advance for your cooperation in this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Zoe Lofgren", is written over a horizontal line.

The Honorable Zoe Lofgren
Chairwoman
Subcommittee on Immigration, Citizenship,
Refugees, Border Security and International Law

SC-FBI-FPL-1344

[redacted] (JMD)

From: [redacted]
Sent: Wednesday, July 28, 2010 9:34 AM
To: DOJ.ExecSec
Cc: [redacted]; [redacted]
Subject: FW: Letter from Chairwoman Lofgren regarding Secure Communities
Attachments: ZL Secure Communities Opt Out Letter (7.27.10).pdf

Importance: High

Pls log the attached ltr. Thanks.

From: [redacted]
Sent: Tuesday, July 27, 2010 10:49 PM
To: [redacted]
Cc: [redacted] (OLA); [redacted]; [redacted]
Subject: FW: Letter from Chairwoman Lofgren regarding Secure Communities

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[redacted] please log in. [redacted] can designate the proper component to draft a reply. Also [redacted] please coordinate with DHS.

From: [redacted] (OAG)
Sent: Tuesday, July 27, 2010 6:55 PM
To: [redacted]; [redacted] (OAG);
Subject: Fw: Letter from Chairwoman Lofgren regarding Secure Communities

From: [redacted] <[redacted]@mail.house.gov>
To: [redacted]; [redacted]@usdoj.gov>; [redacted] (OAG)
Sent: Tue Jul 27 18:05:31 2010
Subject: Letter from Chairwoman Lofgren regarding Secure Communities

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[redacted] and [redacted]

I'm attaching for your review a letter mailed today by Chairwoman Lofgren to Attorney General Holder and Secretary Napolitano. The letter follows up on the Secure Communities issue raised by Chairwoman Lofgren in her discussion with Attorney General Holder at last month's CAPAC meeting. Please let me know if you would like to discuss this at any time.

Thanks,

[redacted]

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[redacted]
Counsel, Immigration Subcommittee
Committee on the Judiciary
House of Representatives
517 Cannon House Office Building
Washington, DC 20515

Direct: (202) 225-[redacted]
General: (202) 225-3926

SC-FBI-FPL-1345

CONFIDENTIALITY NOTICE: The information contained in this e-mail, including any attachments, is confidential and may be legally privileged. If you are not its intended recipient, you are hereby notified that any review, dissemination, distribution, copying, retention, or storage of any of this information is strictly prohibited. If you have reason to believe that you may have received this e-mail in error, please notify the sender immediately, permanently delete the original and all electronic copies, and destroy all paper copies. Thank you.

Exhibit B

Document 29

[Redacted] (DO) (FBI)

From: [Redacted] (DO) (FBI)
Sent: Thursday, September 16, 2010 11:21 PM
To: [Redacted] (DO)(CON)

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Subject: FW: DOJEXECSEC / TRIM Document : 10/DO/3479 : Responding to Chwmn Lofgren's 07/27/2010 letter of which she inquired on how local law enforcement agencies can opt-out of the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) S Responding ~ Security s U.S. Immigration and Customs Enforcement (ICE) Secure Communities Program. Advising that ICE.PDF

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NON-RECORD

Just fyi
-----Original Message-----

From: ExecSec (DO)
Sent: Thursday, September 16, 2010 3:23 PM
To: DOUGLAS, STEPHANIE (SF) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI); COATES, DENISE (OCA) (FBI); KELLY, STEPHEN (DO)(FBI); CARLIN, JOHN (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (CJIS) (FBI); [Redacted] (CJIS) (FBI); [Redacted] (CJIS) (FBI); [Redacted] (CJIS) (FBI); [Redacted] (CJIS) (FBI); [Redacted] (CJIS) (FBI); [Redacted] (CJIS) (FBI); [Redacted] (CJIS) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); MURPHY, TIMOTHY P. (DO) (FBI); TURGAL, JAMES (DO)(FBI); [Redacted] (NSB) (FBI); HQ-DIV13-EXECSTAFF-COMMUNICATIONS; [Redacted] (NSB) (FBI); [Redacted] (CID) (FBI); [Redacted] (CID) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); GREVER, LOUIS E. (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (WF)(FBI)

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Subject: DOJEXECSEC / TRIM Document : 10/DO/3479 : Responding to Chwmn Lofgren's 07/27/2010 letter of which she inquired on how local law enforcement agencies can opt-out of the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) Secur

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INFORMATION ONLY: OCA, Chief of Staff, Deputy Chief of Staff, CJIS, LEC, Deputy Director, CTD, EAD/NSB, AEAD/NSB, CID, OGC, EAD/STB, EAD/CCRS and SAC San Francisco

Instructions:

Attached is correspondence referred to the FBI by the U.S. Department of Justice (DOJ) Executive Secretariat, FOR INFORMATION ONLY. IT DOES NOT REQUIRE ANY FBI ACTION; however, it is being referred to you for your information in the event you may be contacted by the DOJ entity tasked with handling the response. The original will be maintained in the ExecSec office for a period of 90 days; and thereafter, disposed of due to limited record storage space. Should you need to refer to this document after this time frame, a copy can be provided from the TRIM database.

If this matter needs to be reassigned to another entity, the FBI ExecSec should be advised immediately (within 2 days of e-mail receipt). The ExecSec will need to know to whom the

request should be reassigned, together with a point of contact (if known).

If you have any questions, comments, suggestions, or require the attached correspondence to be sent to another division/office for action or information, please contact the Executive Secretariat, [redacted] Ext [redacted], [redacted], Ext [redacted], or by e-mail to HQ_DIV00_ExecSec.

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-----< TRIM Record Information >-----

Date Due :
Addressee :
Current Action :
All Contacts : Office of Congressional Affairs (Other)
Chief of Staff (Other)
Deputy Chief of Staff (Other)
AD-Criminal Justice Information Services (Other) Business Phone: (304) 625-3158
AD-Law Enforcement Coordination (Other)
Deputy Director (Other)
AD-Counterterrorism (Other)
EAD-National Security Branch (Other)
Associate Executive Assistant Director-National Security Branch (Other)
AD-Criminal Investigative Division (Other) Business Phone: (202) 324-0439
Office of General Counsel (Other)
EAD-Science and Technology Branch (Other)
SAC-Sacramento (Other) Business Phone: (916) 481-9110
EAD-Criminal, Cyber, Response, and Services (Other)
Access DB or Workflow : 1942204
From : NAPOLITANO, JANET
Constituent :
Title (Free Text Part) : Responding to Chwmn Lofgren's 07/27/2010 letter of which she inquired on how local law enforcement agencies can opt-out of the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) Secure Communities Program.
Advising that ICE
Date of Communication : Tuesday, September 07, 2010
Notes : SUBJECT: is currently implementing the Secure Communities strategy, which is a comprehensive plan to identify and remove criminal aliens from the U.S. See WFs 1902403 & 1912661. (DA)
'Thursday, September 16, 2010 at 9:58:11 AM (GMT-04:00) [redacted] ''

Related Records : 10/DO/2710: Memorandum from [redacted] Executive Secretary, National Security Staff, transmitting the Summary of Conclusions for Paper Deputies Committee Review of the Department of Homeland Security Bottom-Up Review Report. (Related to) 10/DO/2796: (Copy rec'd from OAG) Requesting to meet with the AG or his designee to discuss the narrowly tailored version of the pilot program entitled, Secure Communities, where only serious offenders would become subject to ICE detainers. Attaching a draft (Related to)

b6
b7c

UNCLASSIFIED

UNCLASSIFIED

**Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET**

DATE OF DOCUMENT: 09/07/2010
DATE RECEIVED: 09/14/2010

WORKFLOW ID: 1942204
DUE DATE:

FROM: The Honorable Janet Napolitano*
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

TO: MC Zoe Lofgren (cc indicated for the AG)

MAIL TYPE: Priority VIP Correspondence

SUBJECT: Responding to Chwmn Lofgren's 07/27/2010 letter of which she inquired on how local law enforcement agencies can opt-out of the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) Secure Communities Program. Advising that ICE is currently implementing the Secure Communities strategy, which is a comprehensive plan to identify and remove criminal aliens from the U.S. See WFs 1902403 & 1912661.

DATE ASSIGNED

ACTION COMPONENT & ACTION REQUESTED
INFO
For information.

INFO COMPONENT: AG, OAG (), ODAG, OASG, BOP, CRM, EOIR, FBI, OJP,OLA

COMMENTS:

FILE CODE:

EXECSEC POC: [] 202- []

b6
b7c

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

September 7, 2010

The Honorable Zoe Lofgren
Chairwoman
Subcommittee on Immigration, Citizenship, Refugees,
Border Security, and International Law
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairwoman Lofgren:

Thank you for your July 27, 2010 letter in which you inquire how local law enforcement agencies can opt-out of the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) Secure Communities program. I appreciate you sharing your concerns regarding this matter and giving me the opportunity to clarify the criminal history information sharing aspect of the Secure Communities program.

ICE is currently implementing the Secure Communities strategy, which is a comprehensive plan to identify and remove criminal aliens from the United States. Secure Communities has developed a deployment plan that includes a risk-based approach to activate an automated information-sharing capability to search for criminal and immigration history records from biometrics (fingerprints) submitted by local law enforcement agencies. This plan allows ICE to build the necessary infrastructure to process and prioritize leads generated by this capability. Today, local law enforcement agencies participating in the Secure Communities program submit fingerprints through the appropriate state identification bureau to the Federal Bureau of Investigation and then to ICE. ICE then determines and initiates appropriate immigration enforcement actions in accord with the agency's stated priorities.

A local law enforcement agency that does not wish to participate in the Secure Communities deployment plan must formally notify the Assistant Director for the Secure Communities program, David Venturella, who can be reached at (202) 732-4519. The agency must also notify the appropriate state identification bureau by mail, facsimile, or e-mail. If a local law enforcement agency chooses not to be activated in the Secure Communities deployment plan, it will be the responsibility of that agency to notify its local ICE field office of suspected criminal aliens.

www.dhs.gov

SC-FBI-FPL-1350

The Honorable Zoe Lofgren
Page 2

Again thank you for your letter. I look forward to working with you on this and other homeland security issues. Should you need additional assistance, please do not hesitate to contact me at (202) 282-8203.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a stylized flourish at the end.

Janet Napolitano

cc: The Honorable Eric H. Holder, Jr., Attorney General

**Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET**

DATE OF DOCUMENT: 07/09/2010
DATE RECEIVED: 07/16/2010

WORKFLOW ID: 1902403
DUE DATE: 8/20/2010

FROM: George Gascon*
Chief of Police
City and County of San Francisco
Police Department
850 Bryant Street
San Francisco, CA 94103

TO: AG (cc indicated for OJP)

MAIL TYPE: Priority VIP Correspondence

SUBJECT: (Copy of rec'd from OAG) Requesting to meet with the AG or his designee to discuss the narrowly tailored version of the pilot program entitled, Secure Communities, where only serious offenders would become subject to ICE detainers. Attaching a draft proposal for examination and recommendations.

DATE ASSIGNED
08/06/2010

ACTION COMPONENT & ACTION REQUESTED
OIPL
For component response.

INFO COMPONENT: AG, OAG (), ODAG, OASG, CRM, FBI, EOIR, NSD, OIPL

COMMENTS: 08/06/2010: OAG () note dated 08/02/10, reassign to OIPL to prepare response to Chief Gasson, not a DOJ issue.
07/30/2010: Per OJP, reassign to FBI and coordinate with OAG Scheduling regarding meeting request.
07/21/2010: Original rec'd in ES and forwarded to AG files.
07/19/2010: OJP to coordinate with OAG Scheduling regarding meeting request. To OAG Scheduling for acknowledgment of meeting request.

b6
b7c

FILE CODE:

EXECSEC POC: () : 202- ()

**Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET**

DATE OF DOCUMENT: 07/27/2010
DATE RECEIVED: 07/29/2010

WORKFLOW ID: 1912661
DUE DATE: 8/31/2010

FROM: The Honorable Zoe Lofgren*
U.S. House of Representatives
Washington, DC 20515

TO: AG & DHS

MAIL TYPE: Congressional Priority

SUBJECT: (Copy rec'd from OLA via email) Ltr from Chwmn Lofgren, Subcomte on Immigration, Citizenship, Refugees, Border Security, and International Law, Judiciary Comte, writing to follow up on the current deployment of ICE's Secure Communities program. States that the Secure Communities is a voluntary program that relies upon the resources of both DHS & DOJ in order to provide State, local, and federal law enforcement agencies with information related to the immigration status of persons booked into the nation's jails and prisons. Advises that it appears to be significant confusion and requests an explanation of how local law enforcement agencies may opt out of participating in Secure Communities by having fingerprints they collect and submit to the State Identification Bureaus (SIBs) checked against criminal, but not immigration, databases. See WF 1902403.

DATE ASSIGNED
08/20/2010

ACTION COMPONENT & ACTION REQUESTED
OLA
For OLA signature.

INFO COMPONENT: AG, OAG (), ODAG, OASG, BOP, CRM, EOIR, FBI, OJP, OLA

COMMENTS: 08/30/2010: DHS (via email) submitted draft response for DOJ review.
08/19/2010: EOUSA submitted proposed response w/disk for OLA signature.
(Note: EOUSA requests that pkg be expedited.)
08/03/2010: Per OLA (ERB), reassign to EOUSA.

b6
b7c

FILE CODE:

EXECSEC POC: [] : 202- []

Exhibit B

Document 30

b6
b7C

[Redacted]

(RMD)(FBI)

From: Harrington, T. J.
Sent: Wednesday, May 11, 2011 6:19 PM
To: Grever, Louis E.
Subject: RE: Illinois issue, ICE Secure Communities Update

Thanks

From: Grever, Louis E.
Sent: Wednesday, May 11, 2011 6:14 PM
To: Carlin, John; [Redacted]; Murphy, Timothy P. (DO)(FBI); Harrington, T. J.
Cc: Caproni, Valerie E.; Roberts, Daniel D.; [Redacted]
Subject: Fw: Illinois issue, ICE Secure Communities Update

b6
b7C

Tim/TJ/John,

See below. Dan Roberts reports that the Governor of Illinois intends to call the AG as early as tomorrow to discuss his decision to OPT OUT of the DHS mandated Secure Communities program.

As background, Secure Communities is a program operated under SecDHS authority whereby the fingerprints of state and federal arrestees submitted to CJIS for records checks are automatically run against DHS immigration files in search of illegals.

The program has met with resistance in some jurisdictions. For political reasons, some have tried to OPT OUT of the automatic checks against DHS databases.

And to make the issue even more contentious, SecDHS is advising their is no OPT OUT option for jurisdictions.

CJIS will get a backgrounder to the Director and us, [Redacted] OGC is working the legal questions (SecDHS authorities, FBI obligations. etc).

b5

Louis

Louis E. Grever
Exec. Asst. Dir.
FBI Science & Technology
202-324-[Redacted]

b6
b7C

From: Grever, Louis E.
To: Roberts, Daniel D.; Morris, Stephen L.; Pender, Jerome M.; [Redacted]; [Redacted]
Cc: [Redacted]; Grant, Robert D.; [Redacted]
Sent: Wed May 11 17:33:34 2011
Subject: Re: Illinois issue, ICE Secure Communities Update

b6
b7C

Thanks for heads up. I will alert the Director, but will need a background paper by early tomorrow to get him up to speed.

Can I get a one or two page background paper on Secure Communities and the controversy surrounding OPT OUT by 10am tomorrow?

Louis

Louis E. Grever
Exec. Asst. Dir.

FBI Science & Technology
202-324-

From: Roberts, Daniel D.

To: Grever, Louis E.; Morris, Stephen L.; Pender, Jerome M.; ;

Cc: Grant, Robert D.;

Sent: Wed May 11 15:24:18 2011

Subject: Illinois issue, ICE Secure Communities Update

b6
b7C

All: I just completed a call with Illinois State Police Director Hiram Grau and his staff. In short, they are in the middle of this political immigration debate just like us. ISP was ordered by their Governor to shut off the flow of prints to DHS (IDENT), as they have "Opted Out" of the ICE Secure Communities program. The bottom line is that the Governor of Illinois will likely call AG Holder to have a discussion about this. I told ISP Director Grau that I would respond back to his letter and we will let the political process play out (I did **not** offer to cut the connection or change the flow of prints at this time and he did not press for same). Although DHS Secretary Nepalitano has said there can be no "Opting Out" of Secure Communities, b5

OGC is working to brief up Val Caproni on this issue. is preparing executive talk points. b6

b7C

Louis: since the Governor will likely be calling Holder.

Dan

b5

Exhibit B

Document 31

PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Office of the General Counsel
U.S. Department of Homeland Security
Washington, DC 20528



Homeland Security

April 12, 2010

MEMORANDUM FOR THE SECRETARY

From: Ivan K. Fong
General Counsel

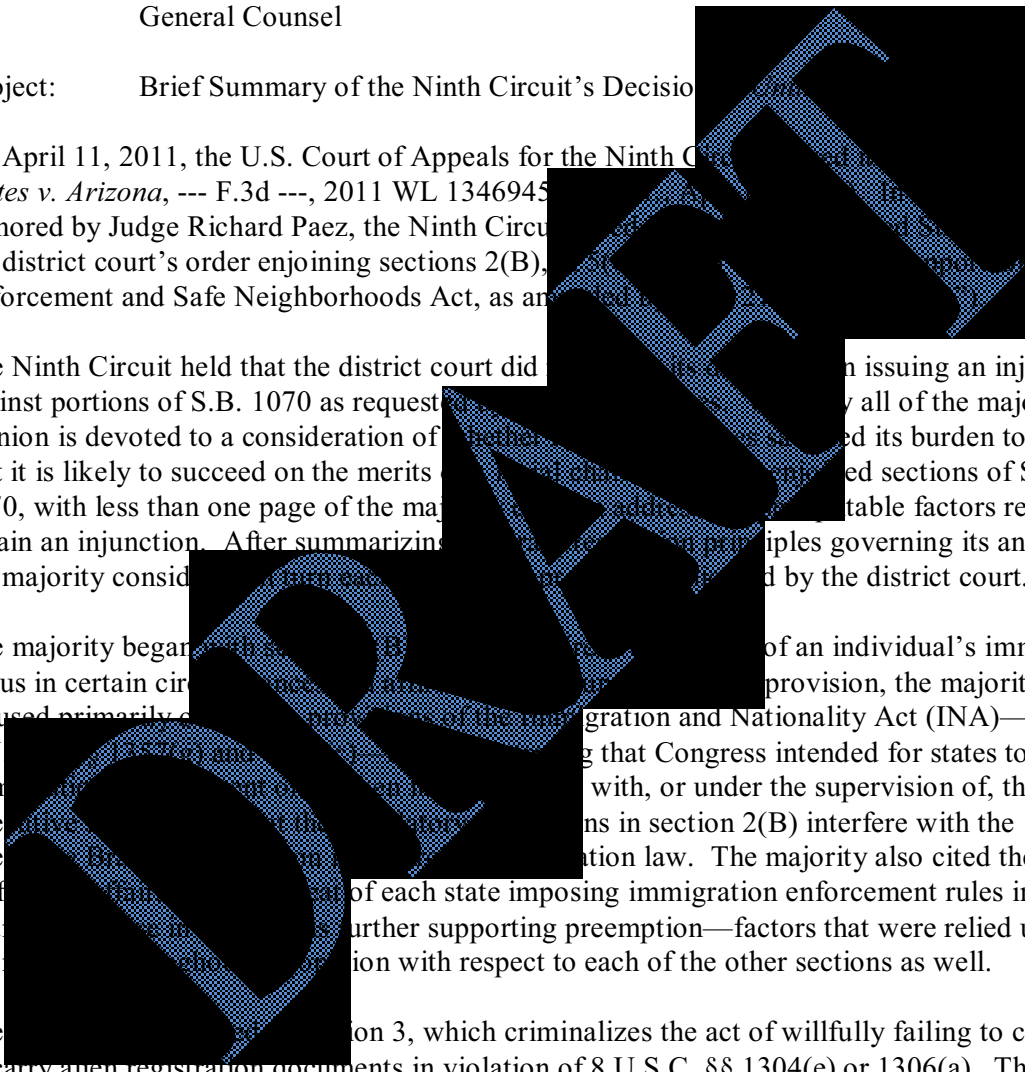
Subject: Brief Summary of the Ninth Circuit's Decision in *United States v. Arizona*

On April 11, 2011, the U.S. Court of Appeals for the Ninth Circuit issued its decision in *United States v. Arizona*, --- F.3d ---, 2011 WL 1346945, which was affirmed by the Supreme Court. The opinion, authored by Judge Richard Paez, the Ninth Circuit judge who presided over the district court's order enjoining sections 2(B), 2(C), and 2(D) of the Immigration Enforcement and Safe Neighborhoods Act, as amended, 2008 Pub. Law

The Ninth Circuit held that the district court did not abuse its discretion in issuing an injunction against portions of S.B. 1070 as requested. The majority's opinion is devoted to a consideration of whether the government met its burden to show that it is likely to succeed on the merits of its challenge to the enjoined sections of S.B. 1070, with less than one page of the majority opinion addressing the substantial factors required to obtain an injunction. After summarizing the principles governing its analysis, the majority considered the factors applied by the district court.

The majority began with section 2(B) of S.B. 1070, which provides for an individual's immigration status in certain circumstances. In analyzing the preemption provision, the majority focused primarily on the text of the provision, the Immigration and Nationality Act (INA)—notably 8 U.S.C. § 1324(a)(1)(A)—and the legislative history. The majority concluded that Congress intended for states to aid in immigration enforcement, with, or under the supervision of, the Executive Branch. The majority concluded that the provisions in section 2(B) interfere with the Executive Branch's immigration law. The majority also cited the impact on federal immigration law of each state imposing immigration enforcement rules in addition to federal law as further supporting preemption—factors that were relied upon by the majority in its decision with respect to each of the other sections as well.

The majority also considered section 3, which criminalizes the act of willfully failing to complete or carry alien registration documents in violation of 8 U.S.C. §§ 1304(e) or 1306(a). The majority concluded that this section is likely preempted because Federal registration laws constitute a "complete scheme of regulation," and the INA does not provide for state participation in the enforcement of those laws.



PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Section 5(C), which criminalizes the act of seeking or performing work as an unlawfully present alien, was considered next. The majority concluded that this section is likely preempted because it conflicts with Congress' deliberate choice not to criminalize aliens' unauthorized work when it enacted related provisions in the INA concerning the hiring of unauthorized aliens. The majority grounded its holding largely on a prior decision of the Court—*Nat'l Ctr. For Immigrants' Rights, Inc. v. I.N.S.*, 913 F.2d 1350 (9th Cir. 1990), *rev'd on other grounds*, 502 U.S. 183 (1991), wherein the Court previously reviewed the legislative history regarding the employment provisions in the INA.

Finally, the majority considered section 6, which allows Arizona to conduct warrantless arrests based on probable cause to believe that an alien has committed an offense that makes him removable. In affirming the injunction, the majority focused primarily on whether states have inherent authority to enforce the provisions of the INA—an issue that was not the focus of either the majority or the dissenting arguments before the Ninth Circuit. After a somewhat cursory review, the majority concluded that states do not have inherent authority to enforce the provisions of the INA. Moreover, that section 6 of S.B. 1070 exceeds the scope of authority granted to state and local officers to enforce the civil provisions of the INA. The majority concluded that section 6 interferes with the Federal Government's responsibility for making immigration determinations and set civil immigration enforcement priorities.

Judge John Noonan filed a concurring opinion in which he emphasized the importance of considering section 1 of S.B. 1070—which provides for the removal of aliens who are in "attrition through enforcement"—in reviewing the district court's decision. He also noted that the provisions at issue, and the court's decision, are of national importance.

Judge Carlos Bea authored a dissenting opinion. In it, he joined the majority in affirming the injunction. He primarily focused on the majority's affirmance of sections 2(B) and 6, and primarily on three perceived errors of the majority's interpretation of 8 U.S.C. §§ 1357(g) and 1373(c) and its failure to consider congressional intent or merely ICE's enforcement policies. He also noted the foreign affairs impact of S.B. 1070; and the majority's failure to consider whether states have inherent authority to enforce the civil provisions of the INA.

The Department of Justice's Office of General Counsel (OGC) continues to review and study this decision, in part to determine its impact on the litigation strategy for the ongoing *United States v. Arizona* litigation. OGC will provide a supplemental memorandum or briefing as appropriate.

Exhibit B

Document 32

[Redacted]

(RMD)(FBI)

From: CARLIN, JOHN (DO) (FBI)
Sent: Monday, May 16, 2011 7:34 AM
To: [Redacted] (DO) (FBI)
Subject: FW: ICE Secure Communities one-page write up re: Illinois request

b6
b7C

Is [Redacted] tracking this as a policy matter?

From: GREVER, LOUIS E. (DO) (FBI)
Sent: Friday, May 13, 2011 7:30 AM
To: [Redacted] (DO) (FBI); [Redacted] (DO)(FBI)
Cc: CARLIN, JOHN (DO) (FBI); [Redacted] (DO) (FBI); ROBERTS, DANIEL D. (CK) (FBI) [Redacted]
(DO)(OGA)
Subject: FW: ICE Secure Communities one-page write up re: Illinois request

b6
b7C

[Redacted]

As mentioned yesterday in the 9:15 am brief with the Director, CJIS has received notice of the intent of the Governor of Illinois to 'Opt Out' of the DHS program SECURE COMMUNITIES and his (Governor's) planned call to the Atty. General in the next few days. The Commissioner of the Illinois State Police has asked CJIS to discontinue sending criminal history and wanted persons requests originating from Illinois to DHS as part of our regular screening of arrestees (DHS executes their SECURE COMMUNITIES program searching for illegal immigrants in the custody of state authorities based on the feed CJIS provides). The DHS led program has quickly becoming a hotly debated effort and the SecDHS has stated publically there is no 'Opt Out' option for states.

Attached are three docs that can provide background and context for the Director if he wants to get up to speed. [Redacted]

b5

[Redacted]

Of course, Dan Roberts and I will

continue to track this.

Thanks,
Louis

From: ROBERTS, DANIEL D. (CK) (FBI)
Sent: Thursday, May 12, 2011 4:48 PM
To: GREVER, LOUIS E. (DO) (FBI)
Cc: [Redacted] (DO)(OGA)
Subject: FW: ICE Secure Communities one-page write up re: Illinois request

b6
b7C

Louis: Per your request, here's the Secure Communities document on the Trilogy side for you. Dan

From: [Redacted] (CK) (FBI)
Sent: Thursday, May 12, 2011 4:32 PM

b6
b7C

Exhibit B

Document 33

Microsoft Outlook

From: (b)(6), (b)(6)...

Sent: Wednesday, May 04, 2011 3:40 PM

To: Kibble, Kumar C; Chandler, Matthew; Barr, Suzanne E; Gibson, Beth N

Cc: (b)(6), (b)(6) (b)(6), (b)(7)(C)

Subject: UPDATED Final Secure Communities outreach plan 3:34pm

Attachments: SC Validators op-ed (b)(6)... EDITS.doc; SC op-ed plan = Get the Facts.doc

Sorry for the multiple versions. But after speaking with Matt, please use this one that focuses on the localized op-eds. It includes (b)(6)...'s edits. A separate version from Director Morton will be forthcoming.

Get the Facts: Secure Communities is enhancing public safety**Media outreach****Op-eds:**

On **Thursday, May 5**, OPA will submit for publication Thursday morning a “*Secure Communities: Keeping you safe by identifying criminal aliens*” op-ed signed by local LEA supporters to regional newspapers including the states that have elected officials and community leaders criticizing the program and proposing state legislation to opt out. This personalized op-ed will highlight the success of the program and discuss the positive impact it’s making in their respective communities. The authors will note that the program is provided to state and local law enforcement at no cost to them, and will hit back against allegations that it encourages racial profiling and is not an effective way to remove criminal aliens from the country.

ICE will also provide a separate op-ed by Director Morton to be pitched for national level publications.

The revised and personalized op-eds under LEA Supporters will be submitted to:

The Houston Chronicle by (b)(6), (b)(7)(C), Sheriff Harris County Texas

The Los Angeles Times by (b)(6), (b)(7)(C) Sheriff Los Angeles County California

The Atlanta Journal Constitution by (b)(6), (b)(7)(C) Sheriff Davidson County Tennessee, President American Correctional Association, National Sheriffs Association Board Member

The Boston Globe or *The New York Times* by (b)(6), (b)(7)(C) - Executive Director National Sheriffs Association

The San Jose Mercury by Sheriff (b)(6), (b)(7)(C), Sonoma County Sheriff’s Office, California

The Austin American Statesman by Sheriff (b)(6), (b)(7)(C), Travis County Sheriff’s Office, Texas

11/14/2011

-

The op-ed under Director Morton's name will be submitted to:

The Washington Post

The Chicago Tribune

Salt Lake Tribune

Op-ed:

DRAFT

LOCALIZED LEA OP-ED FOR SECURE COMMUNITIES

Placement: Week of May 2, 2011

Current Word Count: 421

Headline: Secure Communities: Keeping you safe by identifying criminal aliens

**(ONE OR MORE PERTINANT LOCAL EXAMPLES OF SECURE COMMUNITIES
CRIMINAL CASES WILL BE PLACED HERE TO LEAD OFF THE PIECE.)**

These criminals share something in common - they were identified through the Secure Communities program, are subject to removal from the United States and posed a threat to public safety.

All of these, like the more than 197,000 others identified through Secure Communities, were flagged for removal as a result of the fingerprints that were taken when they were booked and charged with a crime; all three posed a threat to our community, and more importantly, all three will not be released to continue victimizing someone's mother, sister or child.

The results speak for themselves. Right now, the technology that enables this information-sharing between the FBI and the DHS possible has been activated in more than 1,200 state and local law enforcement jurisdictions in 42 states. We anticipate total activation by 2013. Because of this, more than 72,445 aliens convicted of crimes have been identified and deported from the United States. Of those, there were 26,473 criminals convicted of aggravated felonies such as murder, rape, kidnapping and the sexual abuse of children, who will no longer be a potential threat to our country. Between October 2008 and October 2010, Secure Communities helped ICE increase by 71 percent the number of convicted criminals removed from the U.S.

Congress mandated that ICE identify criminal aliens for removal, and through Secure Communities, we are. It is keeping Americans safe by not allowing criminals to be released into the community. It is allowing ICE to flag criminals illegally present in the U.S. when they are booked for a crime so that appropriate actions may be taken when the criminal justice system has had its turn.

Arresting officials are not deputized to enforce immigration laws. In fact, they're simply doing what they've always done. The only difference is the fingerprints that they take during the booking process are now run against both FBI and DHS databases when Secure Communities is activated in a jurisdiction.

11/14/2011

Across our great nation, from Virginia to California, sheriffs and police chiefs have voiced their support for this program. As a law enforcement community, it's our job to pull our resources together to protect our citizens and uphold the rule of law.

Like members of Congress and Secretary Napolitano, I see the removal of criminal aliens as a top priority to secure the nation and protect public safety. In a world of limited resources, ICE must make difficult choices in setting priorities. We all agree that prioritizing the identification and removal of criminal aliens is the correct way to go.

ICE

Brian P. Hale
Director of Public Affairs
U.S. Immigration and Customs Enforcement (ICE)
500 12th Street, SW
Washington, DC 20024
Office: (b)(6), (b)(7)(C)
Mobile: (b)(6), (b)(7)(C)
(b)(6), ... (b, (b)(6), ...)(7)(C)

11/14/2011

Exhibit B

Document 34

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

(b)(6), (b)(7)(C), January 19, 2011 11:44 AM

To:

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

(b)(6), (b)(7)(C): High Priority - Information request

- response below.

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

(b)(6), (b)(7)(C) (Desk)
(b)(6), (b)(7)(C) (BB)

From:

(b)(6), (b)(7)(C), Friday, January 19, 2011 11:22 AM

To:

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

(b)(6), (b)(7)(C) RE: High Priority - Information request

(b)(6), (b)(7)(C) Below is our approved language regarding Opt-Out.

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

1. **Can a state or local law enforcement agency choose not to have fingerprints it submits to the FBI checked against DHS' system?**

No. The biometric information sharing that is part of Secure Communities is a technological capability that occurs at the federal level. This technological capability enables an automatic check of all criminal fingerprint transactions submitted to the FBI system against the DHS system. Law enforcement may choose not to take advantage of receiving the DHS system's law enforcement and immigration identity information that is available through the federal information sharing capability. If a jurisdiction is technically capable of receiving this information but does not wish to receive it, the jurisdiction must formally notify its state identification bureau and ICE in writing (email, letter or facsimile).

By 2013, ICE plans to use the federal biometric information sharing capability to identify all aliens arrested for a crime and booked into law enforcement custody nationwide. This means all fingerprints submitted for criminal purposes and checked against federal criminal records in the FBI's IAFIS will also be checked against federal immigration records in DHS' IDENT, and ICE will be automatically notified of matches to IDENT data.

This information sharing is mandated by Congress and in line with the recommendations of the 9/11 Commission. ICE works closely with each state and jurisdiction to ensure that law enforcement agencies understand how IDENT/IAFIS interoperability works and why it is a top priority for DHS. IDENT/IAFIS interoperability helps ICE ensure the integrity of our immigration system and

ICE 2010FOIA2674.021206

6/23/2011

improve public safety.

Secure Communities, ICE

(b)(6), (b)(7)(C) 72)732 desk
(202) 321 mobile

(b)(6)

(b)(6), (b)(7)(C) av. January 10, 2011 11:25 AM

Cc:

(b)(6), (b)(7)(C) Information request

Do you have the latest and greatest?

Thanks,

(b)(6), (b)(7)(C) (Desk)
(b)(6) (BB)

From:

(b)(6), (b)(7)(C) av. January 10, 2011 11:16 AM

To:

(b)(6), (b)(7)(C) Information request

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

This afternoon Mr. Kibble is going to be briefed in preparation for the January 26 hearing by House Judiciary Subcommittee on Immigration Policy and Enforcement. For the pre-brief Kumar has asked if information on the ICE policy related to the below items be available. We are looking for existing language or Talking points.

- What is our message on opting out of Secure Communities?

(b)(6), (b)(7)(C)
Office of Congressional Relations
U.S. Immigration and Customs Enforcement
(202) 732
(b)(6)

6/23/2011

Exhibit B

Document 35

Microsoft Outlook

From: (b)(6), (b)(7)(C)
Sent: Friday, June 10, 2011 1:57 PM
To: Kibble, Kumar C
Subject: FW: Advisory: MEMBERS OF CONGRESS TO CALL FOR SUSPENSION OF CALIFORNIA'S PARTICIPATION IN THE "SECURE COMMUNITIES" PROGRAM TOMORROW

FYSA.

B6 & 7C
(b)(6), (b)(7)(C) w

From: (b)(6), (b)(7)(C) mailto: (b)(6), (b)(7)(C)
Sent: Friday, June 10, 2011 1:55 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Advisory: MEMBERS OF CONGRESS TO CALL FOR SUSPENSION OF CALIFORNIA'S PARTICIPATION IN THE "SECURE COMMUNITIES" PROGRAM TOMORROW

Heads up from (b)(6), (b)...

From: (b)(6), (b)(7)(C)
Sent: Friday, June 10, 2011 1:50 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Advisory: MEMBERS OF CONGRESS TO CALL FOR SUSPENSION OF CALIFORNIA'S PARTICIPATION IN THE "SECURE COMMUNITIES" PROGRAM TOMORROW

fyi

(b)(6), (b)(7)(C)
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
(b)(6), (b)(7)(C) (office)
(b)(6), (b)(7)(C) (cell)

From: (b)(6), (b)(7)(C) mailto: (b)(6), (b)(7)(C)
Sent: Friday, June 10, 2011 12:55 PM
To: Chandler, Matthew; Hale, Brian P; (b)(6), (b)(7)(C)
Sandweg, John
Cc: Williams, Elliot C; (b)(6), (b)(7)(C) Gibson, Beth N; Mead, Gary; Homan, Thomas; (b)(6), (b)(7)(C)
Subject: RE: Advisory: MEMBERS OF CONGRESS TO CALL FOR SUSPENSION OF CALIFORNIA'S PARTICIPATION IN THE "SECURE COMMUNITIES" PROGRAM TOMORROW

Matt, et al –

Here's our draft. Let me know if you need anything else on this.

STATEMENT:

“The highest priority of any law enforcement agency is to protect citizens and communities it serves. When it comes to enforcing our nation's immigration laws, U.S. Immigration and Customs Enforcement (ICE) is focusing its limited resources on those in our country illegally who have also broken criminal laws.

ICE works closely with local law enforcement agencies to ensure victims and witnesses of crimes we deal with are properly identified. In these instances, ICE agents and officers are authorized to exercise discretion to ensure victims and witnesses are appropriately protected.

11/18/2011

ICE regularly analyzes the effectiveness of its enforcement programs, as it is currently doing with Secure Communities. ICE looks forward to sharing the results of its analysis with California's lawmakers and to continuing to work with them to ensure that those who are illegally in this country and have also committed a crime under state law are removed in order to protect the citizens and communities it serves."

ON BACKGROUND: Because Secure Communities is fundamentally an information sharing partnership between federal agencies, state and local jurisdictions cannot opt out from the program. 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 checked against immigration 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. 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.

From: Chandler, Matthew [mailto:(b)(6), (b)(7)(C)]
Sent: Friday, June 10, 2011 10:45 AM
To: Hale, Brian P; (b)(6), (b)(7)(C) Sandweg, John
Subject: RE: Advisory: MEMBERS OF CONGRESS TO CALL FOR SUSPENSION OF CALIFORNIA'S PARTICIPATION IN THE "SECURE COMMUNITIES" PROGRAM TOMORROW

Pls draw up a statement.

From: Hale, Brian P [mailto:(b)(6), (b)(7)(C)]
Sent: Friday, June 10, 2011 10:43 AM
To: Chandler, Matthew; (b)(6), (b)(7)(C)
Subject: Fw: Advisory: MEMBERS OF CONGRESS TO CALL FOR SUSPENSION OF CALIFORNIA'S PARTICIPATION IN THE "SECURE COMMUNITIES" PROGRAM TOMORROW

FYI. (b)(6) already has this.
Brian Hale
Director
ICE Office of Public Affairs

From: Williams, Elliot C
To: (b)(6), (b)(7)(C) Hale, Brian P; (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C); Wittenberg, Char F; Rapp, Marc A; Gibson, Beth N
Sent: Fri Jun 10 10:38:32 2011
Subject: Fw: Advisory: MEMBERS OF CONGRESS TO CALL FOR SUSPENSION OF CALIFORNIA'S PARTICIPATION IN THE "SECURE COMMUNITIES" PROGRAM TOMORROW

Happening today.

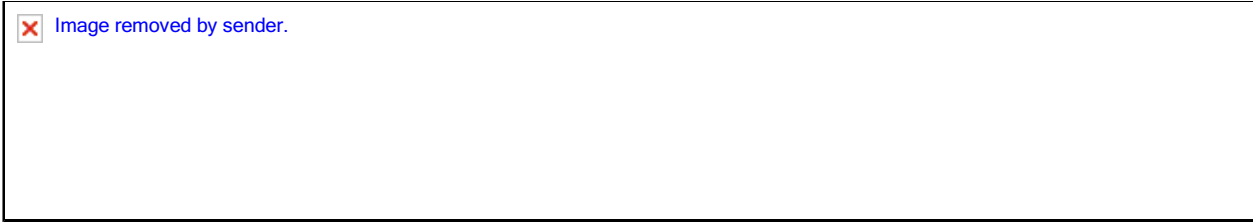
Sent using Blackberry

From: Parada, Lia <(b)(6), (b)(7)(C)>
To: (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>
Sent: Fri Jun 10 10:35:45 2011
Subject: Fw: Advisory: MEMBERS OF CONGRESS TO CALL FOR SUSPENSION OF CALIFORNIA'S PARTICIPATION IN THE "SECURE COMMUNITIES" PROGRAM TOMORROW

From: Rep. Xavier Becerra (CA-31) [mailto:(b)(6), (b)(7)(C)]
Sent: Thursday, June 09, 2011 09:15 PM
To: Parada, Lia

11/18/2011

Subject: Advisory: MEMBERS OF CONGRESS TO CALL FOR SUSPENSION OF CALIFORNIA'S PARTICIPATION IN THE "SECURE COMMUNITIES" PROGRAM TOMORROW



*** * * MEDIA ADVISORY * * ***
For Immediate Release: June 9, 2011

Contact: James Gleeson at 202.226.3171 or 202.503.7791 (mobile) or james.gleeson@mail.house.gov
Greg Buss at 213.483.1425 or greg.buss@mail.house.gov

MEMBERS OF CONGRESS TO CALL FOR SUSPENSION OF CALIFORNIA'S PARTICIPATION IN THE "SECURE COMMUNITIES" PROGRAM TOMORROW

LOS ANGELES—Following this week's call by the Los Angeles City Council for the city to be allowed to opt-out of the Department of Homeland Security's (DHS) "Secure Communities" program members of Congress will release a letter to Governor Brown asking that he suspend California's participation in the program until questions about its effect on the reporting of crime by victims and witnesses in immigrant communities are effectively answered.

WHO: U.S. Representative **Xavier Becerra** (CA-31), Vice Chair of the House Democratic Caucus
U.S. Representative **Lucille Roybal-Allard** (CA-34)
U.S. Representative **Judy Chu** (CA-32)
Los Angeles City Councilmember **Bernard C. Parks** (CD-8)
Los Angeles City Councilmember **Jan Perry** (CD-9)

WHAT: Press conference calling on Governor Brown to suspend California's participation in the Department of Homeland Security's "Secure Communities" program.

WHEN: Friday, June 10 at 9:30 a.m.

WHERE: Los Angeles City Hall
Spring Street Step
200 N. Spring Street
Los Angeles, CA 90012

CONTACT: Greg Buss (Becerra), 213-483-1425, greg.buss@mail.house.gov

BECERRA.HOUSE.GOV

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Exhibit B

Document 36

DHS000196

Schlanger, Margo

From: Schlanger, Margo
Sent: Tuesday, October 05, 2010 9:46 AM
To: (b) (6)
Subject: Re: Clarity on Secure Communities opt-out

I can call him.

From my blackberry
Margo Schlanger

From: (b) (6)
To: Schlanger, Margo
Sent: Tue Oct 05 09:45:03 2010
Subject: RE: Clarity on Secure Communities opt-out

Sure. Are you calling him? Or is he calling you? Thanks.

(b) (6)
Assistant to Margo Schlanger | Officer for Civil Rights and Civil Liberties | DHS CRCL
Desk: (b) (6) | Mobile: (b) (6) | Email: (b) (6)

From: Schlanger, Margo
Sent: Tuesday, October 05, 2010 9:43 AM
To: (b) (6) <CTR>
Subject: Fw: Clarity on Secure Communities opt-out

Please put this 11:30 call on my calendar.

From my blackberry
Margo Schlanger

From: Venturella, David (b) (6)
To: Schlanger, Margo (b) (6)
Sent: Tue Oct 05 09:33:40 2010
Subject: RE: Clarity on Secure Communities opt-out

ok

David J. Venturella
Assistant Director - Secure Communities
Office: (b) (6) Cell: (b) (6)
FAX: (202)732-4030
http://www.ice.gov/secure_communities/

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DHS000197

From: Schlanger, Margo (b) (6)
Sent: Tuesday, October 05, 2010 9:32 AM
To: Venturella, David; Schlanger, Margo
Subject: RE: Clarity on Secure Communities opt-out

Can't do that. 11:30?

Margo Schlanger
Officer for Civil Rights and Civil Liberties
<http://www.dhs.gov/crcl>
U.S. Department of Homeland Security
(b) (6) NOTE: NEW NUMBER
(b) (6)



From: Venturella, David (b) (6)
Sent: Tuesday, October 05, 2010 8:36 AM
To: Schlanger, Margo
Subject: Re: Clarity on Secure Communities opt-out

How about 11

Sent using BlackBerry

From: Schlanger, Margo (b) (6)
To: Venturella, David (b) (6)
Sent: Mon Oct 04 21:41:56 2010
Subject: RE: Clarity on Secure Communities opt-out

Yes, that would be good. Let me know a couple of times and we'll talk. I appreciate it.

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(b) (6) (NOTE: NEW NUMBER)
(b) (6)
<http://www.dhs.gov/crcl>



From: Venturella, David (b) (6)
Sent: Monday, October 04, 2010 9:31 PM
To: Schlanger, Margo
Subject: Re: Clarity on Secure Communities opt-out

DHS000198

The automation is between the FBI and DHS. Because of this automation, the local law enforcement agency can receive the results of the matching where before they could not.

Let's talk tomorrow.

Sent using BlackBerry

From: Schlanger, Margo (b) (6)
To: Venturella, David (b) (6)
Sent: Mon Oct 04 21:21:32 2010
Subject: RE: Clarity on Secure Communities opt-out

Right – but does it do that in the way I say? And if a jurisdiction “opts out” what happens to that automated list?

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(b) (6) NOTE: NEW NUMBER)
(b) (6)
<http://www.dhs.gov/crcl>



From: Venturella, David (b) (6)
Sent: Monday, October 04, 2010 9:20 PM
To: Schlanger, Margo
Subject: Re: Clarity on Secure Communities opt-out

It absolutely benefits us.

Sent using BlackBerry

From: Schlanger, Margo (b) (6)
To: Venturella, David (b) (6)
Sent: Mon Oct 04 20:44:07 2010
Subject: RE: Clarity on Secure Communities opt-out

But I thought that Secure Communities was useful for us too – because it automates, for us, the checking of names. If it was doing something only for the LEAs, all the stuff the Secretary and Director Morton have been saying, about how Secure Communities is helping us focus enforcement on criminal offenders, wouldn't make sense. Right?

Margo

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(b) (6) NOTE: NEW NUMBER)

DHS000199

(b) (6)
<http://www.dhs.gov/crcl>



From: Venturella, David (b) (6)
Sent: Monday, October 04, 2010 9:07 AM
To: Schlanger, Margo
Subject: RE: Clarity on Secure Communities opt-out

Margo,

My email was down this weekend.

Interoperability has existed between FBI and DOJ since 2006; with SC – law enforcement now has access to this information in an automated way utilizing the current fingerprint process.

Here are the two questions that are generally posed:

Can a local law enforcement agency tell the state or the FBI not to send fingerprints to DHS – the answer is no.

Can a local law enforcement agency request not to have access to the immigration response and relevant DHS information – the answer is yes. To DHS and ICE, this has always been the position on what a local can opt of when it comes to SC.

The law enforcement agencies we have worked with understand this point; the organizations outside the law enforcement community do not.

David J. Venturella
Assistant Director - Secure Communities
Office: (b) (6) Cell: (b) (6)
FAX: (202)732-4030
http://www.ice.gov/secure_communities/

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From: Schlanger, Margo (b) (6)
Sent: Saturday, October 02, 2010 12:08 PM
To: Venturella, David
Subject: Clarity on Secure Communities opt-out

Hi Dave –

I'm again in search of clarity on this. (It really undermines our credibility with NGOs if I tell them one thing and the opposite turns out to be true.)

What's the current state of affairs?

DHS000200

Thanks,
Margo

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

(b) (6) NOTE: NEW NUMBER
(b) (6)

<http://www.dhs.gov/crcl>



Homeland
Security

From: (b) (6)
Sent: Friday, October 01, 2010 8:22 AM
To: (b) (6)
Cc: Schlanger, Margo
Subject: Continuing lack of clarity on Secure Communities opt-out

Article today in the Washington Post

The Washington Post E-mail Sponsored by  Constant Contact®

This page was sent to you by: (b) (6)

Local jurisdictions find they can't opt out of federal immigration enforcement program

By Shankar Vedantam

The Obama administration is making it virtually impossible for Arlington County, the District and other jurisdictions to refuse to participate in a controversial immigration enforcement program that uses fingerprints gathered by local law enforcement agencies to identify illegal immigrants.

Local jurisdictions find they can't opt out of federal immigration enforcement program

By Shankar Vedantam
Washington Post Staff Writer
Thursday, September 30, 2010; 10:59 PM

The Obama administration is making it virtually impossible for Arlington County, the District and other jurisdictions to refuse to participate in a controversial immigration enforcement program that uses fingerprints gathered by local law enforcement agencies to identify illegal immigrants.

Participation in the program, called Secure Communities, was widely believed to be voluntary - a perception reinforced by a Sept 7 letter sent to Congress by Homeland Security Secretary Janet Napolitano. This week, Arlington joined the District, San Francisco and Santa Clara County, Calif., in voting to opt out of the program.

DHS000201

But the Immigration and Customs Enforcement agency now says that opting out of the program is not a realistic possibility - and never was.

Secure Communities, which operates in 32 states and will soon be running nationwide, relies on the fingerprints collected by local authorities when a person is charged with anything from a traffic violation to murder. The fingerprints are sent to state police, and then to the FBI, for criminal background checks.

Under the two-year-old program, ICE is able to access the information sent to the FBI. If the fingerprint matches that of someone known to be in the country illegally, ICE orders the immigrant detained as a first step toward deportation.

Tens of thousands of undocumented immigrants have been removed from the United States under the program, which the administration has made a centerpiece of its effort to focus immigration enforcement on criminals. But those deportees include many thousands who have committed minor offenses or no crimes at all, which has made the program a source of increasing concern to immigrant rights groups.

A senior ICE official, speaking on the condition of anonymity because he was not authorized to talk about the involuntary nature of the program, said: "Secure Communities is not based on state or local cooperation in federal law enforcement. The program's foundation is information sharing between FBI and ICE. State and local law enforcement agencies are going to continue to fingerprint people and those fingerprints are forwarded to FBI for criminal checks. ICE will take immigration action appropriately."

The only way a local jurisdiction could opt out of the program is if a state refused to send fingerprints to the FBI. Since police and prosecutors need to know the criminal histories of people they arrest, it is not realistic for states to withhold fingerprints from the FBI - which means it is impossible to withhold them from ICE.

The revelation that the program is not really optional stunned Arlington County Board member J. Walter Tejada (D), who spearheaded a months-long effort to evaluate Secure Communities with residents, lawyers and county officials. "It is most frustrating," he said. "Communities were researching this. Attorneys looked at it pro bono. All of that could have been avoided. People spent all summer thinking about this."

Tejada pointed to Napolitano's recent letter to Congress, in which she wrote, "A local law enforcement agency that does not wish to participate in the Secure Communities deployment plan must formally notify the Assistant Director for the Secure Communities program, David Venturella." In a briefing paper, ICE also said that if a city or county did not want to participate, the agency was amenable to "removing the jurisdiction from the deployment plan."

The senior ICE official said local authorities could opt out of learning the specific reason why immigration authorities wanted someone detained. But they would still have to detain the individual.

"If what you say is true, it is extremely disappointing because it means the District of Columbia now has a blurred rather than a bright line between what the Metropolitan Police Department is doing and what immigration officers are doing," said D.C. Council member Jim Graham (D-Ward 1), who recently voted with the rest of the council to opt out of the program. "We had a bright line, and that has increased trust and confidence in our police among immigrant communities. That will now vanish."

Federal immigration authorities have argued that because Secure Communities does not require local police to probe anyone's immigration status, the program will not lead to racial profiling. But critics disagreed.

DHS000202

"It makes the local police department an arm of the federal immigration authority in a way that has not been true in the District of Columbia," Graham said. "It also distracts scarce police resources - they have to hold people until ICE can get to them. We want those resources devoted to crime-fighting."

While many law enforcement agencies across the country have embraced Secure Communities, Graham's concerns have been echoed by some sheriffs and police chiefs. They fear the program will make undocumented immigrants unwilling to report crimes.

"In a domestic violence case, it is not that unusual for police to arrive and arrest both parties and let the evidence get sorted out later" at the police station, said Eileen Hirst, chief of staff to San Francisco Sheriff Michael Hennessey, who has been fighting for months to get his county removed from Secure Communities.

Officers might fingerprint both parties to see whether they have criminal records, she said. If the domestic violence victim is an unauthorized immigrant, ICE can tell police to detain him or her.

"By the time the details get sorted out, he or she can be on an ICE detainer and on the way to a detention facility," Hirst said. "This can make people reluctant to call police when they should."

Secure Communities is primarily designed to target and deport violent criminals, but the immigration agency says the program also will identify people who crossed the border illegally in the past, visa violators and fugitives.

"They may not have a criminal history, but they are a priority for ICE as well," agency spokesman Richard Rocha said. "Those individuals are removable aliens. Secure Communities allows us to remove and prioritize aliens so we can remove the most egregious offenders first, but others as resources permit."

Exhibit B

Document 37

Schlanger, Margo

From: Schlanger, Margo
Sent: Tuesday, September 21, 2010 10:47 PM
To: (b) (6)
Subject: FW: Secure communities opt out

So much for clarity. Sigh.

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

(b) (6) (NOTE: NEW NUMBER)

(b) (6)

<http://www.dhs.gov/crcl>



**Homeland
Security**

From: Strait, Andrew R (b) (6)
Sent: Tuesday, September 21, 2010 7:32 AM
To: Schlanger, Margo
Subject: RE: Secure communities opt out

I wouldn't – I believe we will be pulling away from this stance and the program will be mandatory w/o opt out. This has been a tricky issue.

Andrew Lorenzen-Strait
Chief Public Engagement Officer
Office of State, Local and Tribal Coordination
U.S. Immigration and Customs Enforcement

(b) (6) - Direct

(b) (6) - BlackBerry

(b) (6) - Cell

General Inquiries: ICEPublicEngagement@dhs.gov

Personal E-mail: (b) (6)

From: Schlanger, Margo (b) (6)
Sent: Monday, September 20, 2010 9:52 PM
To: Strait, Andrew R
Subject: FW: Secure communities opt out

See below. This letter is a public document, now, posted on the web. I probably shouldn't even have asked Dave about it – but can we share its content when asked about opt-outs from Secure Communities?

Margo Schlanger

Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

(b) (6) (NOTE: NEW NUMBER)

(b) (6)

<http://www.dhs.gov/crcl>



Homeland
Security

From: Venturella, David (b) (6)
Sent: Monday, September 20, 2010 9:50 PM
To: Schlanger, Margo
Subject: Re: Secure communities opt out

I would not share with them the details of our response.

Sent using BlackBerry

From: Schlanger, Margo (b) (6)
To: Venturella, David (b) (6)
Sent: Mon Sep 20 21:37:02 2010
Subject: RE: Secure communities opt out

Oh, and can we tell NGOs that ask us what is in this letter to Cong. Lofgren?

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

(b) (6) (NOTE: NEW NUMBER)

(b) (6)

<http://www.dhs.gov/crcl>



Homeland
Security

From: Venturella, David (b) (6)
Sent: Monday, September 20, 2010 9:34 PM
To: Schlanger, Margo
Subject: Re: Secure communities opt out

In 2013, the next generation fingerprint system the FBI is implementing will allow law enforcement the ability to select the type of queries they want. Today, they can run criminal history queries and where we implement SC immigration queries.

Sent using BlackBerry

From: Schlanger, Margo (b) (6)
To: Venturella, David (b) (6)

Sent: Mon Sep 20 21:12:44 2010
Subject: Secure communities opt out

Hi Dave –

Can we tell this to people who ask us?

http://uncoverthetruth.org/wp-content/uploads/Z-Lofgren_Response-from-USDOJ-and-DHS.09.08.2010.pdf

Also, do I understand correctly that as of 2013, opt-out will not be available? Or is the current setup going to hold?

Thanks,
Margo

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

(b) (6) (NOTE: NEW NUMBER)

(b) (6)

<http://www.dhs.gov/crcl>

