



Immigration and Customs Enforcement (ICE)

Secure Communities (SC)

Standard Operating Procedures (SOP)

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

Secure Communities Standard Operating Procedures

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1.0 INTRODUCTION

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

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

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

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

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

2.0 STANDARD OPERATING PROCEDURES

2.1 The Secure Communities Process

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

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

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

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

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

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

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

2.1.2.2 The process for the CPI message is as follows:

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

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

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

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

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

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

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

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

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

2.1.5 ICE issues Immigration Detainer:

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

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

2.2 Requested Local LEA Cooperative Actions

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

2.2.1 Abide by Immigration Detainer conditions:

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

2.2.2 Place detainer in subject's file/record:

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

2.2.3 Inform ICE if subject is transferred or released:

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

2.2.4 Allow access to detainees:

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

2.2.5 Assist ICE in acquiring information about detainees:

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

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

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

2.2.7 If authorized, discontinue automated IAQ transmissions:

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

2.2.8 Outreach to Community:

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

3.0 SECURE COMMUNITIES IDENTIFICATION PROCESS

3.1 Fingerprint Submission and Response Details

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

3.1.1 Preferred method for submitting fingerprints by the local LEA:

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

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

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

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

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

3.1.4 IAFIS and IDENT search results are processed:

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

3.1.5 LESC receives IAQ and conducts status determination:

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

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

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

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

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

3.2 ICE Actions upon Receipt of IAR

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

3.2.1 Determine subject's alienage and removability:

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

3.2.2 Interview subject (if necessary):

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

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

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

3.2.4 Take custody of subject:

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

3.2.5 Removal of subject with pending charges:

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

Secure Communities Standard Operating Procedures-Levels and Offense Categories by NCIC Code

4.0 APPENDIX A

Secure Communities Levels and Offense Categories by NCIC Code

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

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

Secure Communities Standard Operating Procedures-Acronyms and Abbreviations

5.0 APPENDIX B**Acronyms and Abbreviations**

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

Secure Communities Standard Operating Procedures-Sample Immigration Detainer, Form I-247

6.0 APPENDIX C

U.S. Department of Homeland Security

Immigration Detainer – Notice of Action

Subject ID:
Great Hall:
Pat No. A:
User: September 4, 2009

TO: (Name and title of institution) 2312	From: (Office address) WASHINGTON, DC, (SOL) DOCKET CONTROL OFFICES DOCKET CONTROL OFFICES EVALUATION 425 I STREET NW WASHINGTON, DC 20535
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Name of office: _____
 Date of birth: _____ Nationality: _____ Sex: _____

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

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

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

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

Return fax to the attention of _____ at _____ (Area code and phone number)
 _____ (Name of institution Official)
 _____ (Title of Institution Official)

Date of last conviction: _____ Latest conviction charge: _____
 Estimated release date: _____
 Signature and title of official: _____
 Form I-247 (Rev. 08/04/07)

6.0 APPENDIX C

U.S. Department of Homeland Security

Immigration Detainer - Notice of Action

Detainer ID:
Serial No.:
File No. A
Interp. Reg. Number 4, 2844

TO: (Name and title of institution) JALIA	From: (Older address) HARRINGTON, DC, (NO) POLICE CONTROL OFFICE POLICE CONTROL OFFICE HARRINGTON 424 E STREET SW HARRINGTON, DC 20433
--	--

Name of officer _____

Date of birth: _____

Nationality: _____

Sex: _____

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

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

If so requested, find your:

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

- Federal regulations (8 CFR 227.7) require that you detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sundays and Federal holidays) to provide adequate time for DHS to assume custody of the alien. You may notify DHS by calling _____ during business hours or _____ after hours in an emergency.
- Please complete and sign the bottom block of the duplicate of this form and return it to this office. A self-addressed stamped envelope is enclosed for your convenience. Please return a signed copy via facsimile to _____ (Also enter last business number)

Return fax to the attention of _____ (Name of other handling unit) _____ (Last name and phone number)

- Notify this office of the date of release at least 30 days prior to release or as far in advance as possible.
- Notify this office in the event of the detainee's death or transfer to another institution.

- Please cancel the detainer previously placed by this Office on _____

BY: _____ (Signature of Investigator/Officer) _____ (Title/Investigator/Officer)

Date of final conviction: _____ Latest conviction charge: _____
 Estimated release date: _____
 Signature and title of official: _____

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

THE Nation.

America's Secret ICE Castles

by JACQUELINE STEVENS

December 16, 2009

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

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



AVENGING ANGELS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

About Jacqueline Stevens

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

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Field Office Contacts

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Field Office / Sub-Office	Main Office Line	Office Address
Atlanta	404-893-1210	180 Spring Street SW, Suite 522, Atlanta, GA 30303
Stewart Detention Center	229-838-1105	146 CCA Road, Lumpkin, GA 31815
Savannah	912-652-4225	49 Park of Commerce Blvd., Savannah, GA 31405
Charlotte, NC	704-672-6995	6130 Tyvola Centre Drive, Charlotte, NC 28217
Raleigh / Cary, NC	919-678-8807	140 Centrewest Court, Suite 100, Cary, NC 27513
Alamance County Detention Center	336-570-6865	100 S. Maple Street, Graham, NC 27253
Raleigh, NC	919-664-7901	330 S. Salisbury Street, Raleigh, NC 27602
Raleigh, NC	919-856-4400	300 Fayetteville Street Mall, Suite 121, Raleigh, NC 27601
Hendersonville, NC	828-694-3120	375 1st Avenue East, Hendersonville, NC 28792
Charleston, SC	843-727-4711	170 Meeting Street, Suite 501, Charleston, SC 29401
Baltimore	410-637-4000, 4001	31 Hopkins Plaza, 7th Floor, Baltimore, MD 21201
Salisbury (Eastern Shore)	410-548-4046, 4047	119 W. Naylor Mill Road, Suite 11, Salisbury, MD 21801
Boston	781-359-7500	10 New England Executive Park, Burlington, MA 01803
Hartford, CT	860-240-3012	450 Main Street, Room 511, Hartford, CT 06103
Providence, RI	401-734-8000	200 Dyer Street, Providence, RI 02903
Manchester, NH	603-625-5276	811 Canal Street
St. Albans, VT	802-527-3801	64 Gricebrook Road, St. Albans, VT 05478
Buffalo	716-551-4741 x2500	130 Delaware Avenue, Buffalo, NY 14202
Buffalo Federal Detention Facility	585-343-0814	4250 Federal Drive, Batavia, NY 14020
Albany, NY	518-220-2133	1086 Troy-Schenectady Road, Latham, NY 12110
Albany, NY	518-220-2133	1 Clinton Square, Suite 118, Albany, NY 12207
Chicago	312-347-2400	101 W. Congress Parkway, 4th floor, Chicago, IL 60605
Broadview, IL	708-449-6722	1930 Beach Street, Broadview, IL 60155
Kansas City, MO	816-880-5000	9747 NW Conant Avenue, Kansas City, MO 64153
Rock Island, IL	708-309-2250	211 19th Street, Suite M4, Rock Island, IL 64304
Indianapolis, IN	317-226-6141	950 N. Meridian Plaza, Room 400, Indianapolis, IN 46204
Louisville, KY	502-582-6526	601 W. Broadway, Room 601, Louisville, KY 40202
Wichita, KS	316-293-2435	217 W 3rd St. North, Suite 1050, Wichita, Kansas 67202
St. Louis, MO	314-539-2132	1222 Spruce Street, Room 1100, St. Louis, MO 63103
Kansas City, MO	816-880-5000	9747 NW Conant Avenue, Kansas City, MO 64153
Springfield, MO	417-865-7359	2401 W. Old Route 66, Strafford, MO 65757
Milwaukee, WI	414-287-6316	310 E. Knapp Street, Milwaukee, WI 53202
Dallas	214-905-5860	8101 N. Stemmons Freeway, Dallas, TX 75247
Lubbock, TX	806-740-0080	1205 Texas Avenue, Room 114, Lubbock, TX 79401
Big Spring, TX	432-267-7915	2001 Rickabaugh Drive, Big Spring, TX 79720
Eden, TX	325-869-5301	108 Paint Rock Road, Eden, TX 76837
Amarillo, TX	806-373-8926	8601 East Amarillo Blvd, Amarillo, TX 79109
Oklahoma City, OK	405-219-3136	4400 S.W. 44th Street, Oklahoma City, OK 73119
Tulsa, OK	918-624-2614	1656 South 101st East Avenue, Tulsa, OK 74128
Denver	720-873-2899	12445 E. Caley Avenue, Centennial, Colorado 80111
Loveland, CO	970-593-6477	350 E. 7th Street, Suite 13, Loveland, CO 80538
Aurora, CO	303-361-0723	11901 E. 30th Avenue, Aurora, CO 80010
Grand Junction, CO	970-241-3791	571 S. Commercial Drive, Grand Junction, CO 81505
Pueblo, CO	719-948-2915	32920 Walt Bassett, Pueblo, CO 81001
Cheyenne, WY	307-772-2040	308 W. 21st Street, Room 105, Cheyenne, WY 82001
Detroit	313-568-6049	333 Mt. Elliott Street, Detroit, MI 48207

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Field Office / Sub-Office	Main Office Line	Office Address
Detroit, MI	313-226-5818	477 Michigan Avenue, 24th Floor, Detroit, MI 48226
Grand Rapids, MI	616-454-2206	29 Pearl Street, Suite 320, Grand Rapids, MI 49503
Columbus, OH	614-469-2900 x2037	50 W. Broad Street, Suite 306D, Columbus, OH. 43216
Cincinnati, OH	513-785-1359	123 Court Street, Hamilton, OH 45011
Cleveland, OH	216-535-0385	1240 East 9th Street, Suite 535, Cleveland, OH 44199
Detroit, MI	313-259-5291	260 Mt. Elliott Street, Detroit, MI 48207
El Paso	915-225-0885	1545 Hawkins Boulevard, El Paso, TX 79925
El Paso Service Processing Center	915-225-1903	8915 Montana Avenue, El Paso, TX 79925
El Paso Field Office	915-881-5595	6451 Boeing Drive, El Paso, TX 79925
Albuquerque, NM	505-764-3500	1720 Randolph Rd. Albuquerque, NM 87106
El Paso, Otero County Processing Center	N/A	28 McGregor Range Road, Chaparral, NM 88081
Compliance Enforcement	915-225-1721	1545 Hawkins, El Paso, Texas 79925
Pecos, TX	432-447-6200	250 E Palmer Road, Pecos, TX 79772
El Paso Service Processing Center	915-225-0700	8915 Montana Avenue, El Paso, TX 79925
Houston	281-774-4816	126 Northpoint Drive, Houston, Texas 77060
Houston CDF	281-985-8400	5520 Greens Road, Houston, Texas 77032
Houston, CDF	281-774-4816	126 Northpoint Drive, Houston, Texas 77060
Huntsville, TX	936-730-3700	7405C1 Highway South, Huntsville, Texas 77340
Livingston, TX	936-967-1700	3400 FM 350 South, Livingston, Texas 77351
Conroe, TX	936-520-5000	500 Hillbig Road, Conroe, Texas 77401
Los Angeles	213-830-7911	300 N Los Angeles St. # 7631A, Los Angeles, CA 90012
Los Angeles	213-494-8893	24000 Avila Road, Room 6120, Laguna Niguel, CA 92677
Los Angeles	714-834-4887	34 Civic Center Plaza Santa Ana, CA 92701
Los Angeles	562 980 3255	One World Trade Center, Ste. 521, Long Beach, CA 90831
Mira Loma Detention Center (Lancaster, CA)	661-940-3555	45100 60th West, Lancaster, CA 93536
San Bernardino, CA	909-386-3228	655 West Rialto Ave., San Bernardino, CA 92410
Ventura, CA	805-987-2290	7700 Paseo Camarillo #101, Camarillo, CA 93010
Ventura, CA	805-740-1122	3600 Guard Rd, Lompoc, CA 93436
Miami	954-236-4900	865 SW 78th Ave Suite A101 Plantation, FL 33322
Krome, FL	305-207-2001	18201 SW 12 ST Miami, FL 33194
Glades County, FL	863-946-0062	1297 E. SR 78 Moore Haven, FL 33471
Miami, FL	305-400-6160	333 S. Miami Ave, Miami, FL 33130
Orlando, FL	407-816-4670	9403 Tradeport Drive, Orlando, FL 32827
Orlando, FL	407-857-5203	7566 Southland Blvd. Suite 103 Orlando, FL 32809
Stuart, FL	772-461-1293 x2122	Ft Pierce RAC, 505 S. 2nd St, Ft Pierce, FL 34950
Ft. Myers, FL	239-461-3144	Ft Myers RAC, 2000 Main St., Ft Myers, FL 33901
Jacksonville, FL	904-281-8603	4121 Southpoint Blvd, Jacksonville, FL 32827
Tallahassee, FL	850-942-8301	2100 Centerville Road Tallahassee, FL 32308
Tampa, FL	813-225-7355 x5001	500 E. Zack Street, 1st Floor, Tampa, FL 33602
Tampa, FL	813-637-3070	5524 West Cypress Street, Tampa, FI 33607
Pompano, FL	954-545-6060	3900 N. Powerline Road, Pompano Beach, FL 33073
San Juan, PR	787-706-2322 x297	7 Tabonuco St, Guaynabo, Puerto Rico 00968
St. Thomas / St. Croix, USVI	340-774-1390	Nissky Center First Floor, South
Newark	973-645-3666	970 Broad Street, Room 904, Newark, NJ 07102

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Field Office / Sub-Office	Main Office Line	Office Address
Marlton, NJ	856-874-2300	4002 Lincoln Drive West, Marlton, NJ 08034
Marlton, NJ	856-810-2880	406 Lippincott Drive, Suite Q, Marlton, NJ 08053
Elizabeth Detention Center (Elizabeth, NJ)	973-622-7157	625 Evans Street, Elizabeth, NJ 07201
New Orleans	504-599-7800	1250 Poydras Ave, Suite 325, New Orleans LA 70113
Oakdale, LA	318-335-7500	1010 East Whatley Road, Oakdale, LA 71463
Nashville, TN	615-736-2036	247 Venture Circle, Nashville, TN 37228
Memphis, TN	901-544-3500	842 Virginia Run Cove, Memphis, TN 38122
Jena, LA	318-992-7800	830 Pine Hill Road, Jena, LA 71432
Jackson, MS	601-933-7426	202 Metroplex, Pearl, MS 39208
Gulfport, MS	228-214-7009	14091 Customs Blvd, Gulfport, MS 39503
Ft. Smith / Little Rock, AR	479-648-0588	4991 Old Greenwood Road, Ft. Smith, AR 72903
Etowah County, AL	256-534-8154	827 Forest Ave., Gadsden, AL 35901
Birmingham, AL	205-290-7150	234 Goodwin Crest Dr, Suite 400, Homewood, AL 35209
New York City	212-264-5085	28 Federal Plaza, New York, NY 10278
New York City, NY	646-805-6648	88 10th Ave, 3R, New York, NY 10011
Varick, New York City	212-264-5085	201 Varick Street, New York, NY 10014
Castle Point, NY	845-831-1576	VA Complex, Bldg #7, Castle Point, NY 12511
East Meadow, NY	516-572-4403	100 Carmen Ave, Trailer A, East Meadow, NY 11554
Elmhurst, NY	718-958-3101	110 Construction Way, Elmhurst, NY 11370
Philadelphia	215-656-7164	1600 Callowhill Street, 5th Floor, Philadelphia, PA 19130
York, PA	717-840-7752	3400 Concord Road, York, PA 17402
Pittsburgh, PA	412-432-2100	3000 Sidney St., Suite 100, Pittsburgh, PA 15203
Berks, PA	610-374-9115	1243 County Welfare Rd., Leesport, PA 19533
Lords Valley, PA	570-547-1546	170 Pike County Blvd, Lords Valley, PA 18428
Allenwood, PA	570-547-6903	Rt. 15, 2 miles North, White Deer, PA 17887
Allentown, PA	610-374-9112	41 North 4th Street, Allentown, PA 18101
Dover, DE	302-730-9315	1305 McD Drive, Dover, Delaware 19901
Phoenix	602-766-7030	Phoenix DRO Field Office, 2020 N. Central Ave., Suite 200, Phoenix, AZ 85004
Phoenix	602-257-5900	Phoenix DRO Operations, 2035 N. Central Avenue, Phoenix, AZ 85004
Eloy, AZ	520-464-3000	Eloy Detention Center, 1705 East Hanna Road, Eloy, AZ 85231
Tucson, AZ	520-620-7270	6431 South Country Club Road, Tucson, AZ 85713
Florence, AZ	520-868-5862	Florence Service Processing Center, Florence, AZ 85232
Yuma, AZ	928-344-0088	3911 South Pico Ave, Yuma, AZ 85365
Salt Lake City	801-313-4260	5272 S. College Dr., Suite 100, SLC, UT 84123
Provo, UT	801-426-8920	1793 W Business Park Dr., Orem, UT 84058
Ogden, UT	801-392-5020	2487 S. 1620 W., Unit E., Ogden, UT 84401
St. George, UT	435-674-8780	389 N. Industrial Road, Suite 4, St. George, UT 84770
Reno, NV	775-784-5170	1351 Corporate Blvd., Reno, NV 89502
Boise, ID	208-685-6635	1185 S. Vinnell Way, Boise, ID 83709
Las Vegas, NV	702-388-6253	3373 Pepper Lane, Las Vegas, NV 89120
Twin Falls, ID	208-734-4369	2496 Addison Ave East, Twin Falls, ID 83301
Helena, MT	406-495-2170	2800 Skyway Drive, Helena, MT 59602
Las Vegas, NV	702-388-6253	3373 Pepper Lane, Las Vegas, NV 89120
San Antonio	210-967-7056	8940 Fourwinds Drive, San Antonio, TX 78239
Harlingen, TX	956-389-7540	1717 Zoy Street, Harlingen, TX 78550
South Texas Detention Complex	210-231-4505	566 Veteran's Drive, Pearsall, TX 78061
Harlingen, TX	956-547-1700	27991 Buena Vista Blvd, Los Fresnos, TX 78566
Harlingen, TX	956-389-7800	1717 Zoy Street, Harlingen, TX 78550
Willacy, TX	956-689-1701	1800 Industrial Drive, Raymondville, TX 78580
Pearsall, TX	210-231-4505	566 Veteran's Drive, Pearsall, TX 78061
Laredo, TX	956-729-9655	4602 E. Saunders St., Laredo, TX 78041

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Hutto, TX	512-218-3122	1001 Welch Street, Taylor, TX 76574
Del Rio, TX	830-778-7882	2401 Dodson Avenue, Del Rio, TX 78840
Austin, TX	512-236-6385	300 E. 8th Street, Austin, TX 78701
Waco, TX	254-754-8010	800 Franklin Avenue, Waco, TX 76701
San Diego	619-557-6343	880 Front Street, Suite 2232, San Diego 92101
Otay, CA (Detention Facility)	619-710-8301	446 Alta Road, Suite 5400, San Diego, CA 92158
El Centro, CA (Service Processing Center)	760-336-4600	1115 North Imperial Avenue, El Centro, CA 92243
Imperial, CA (Criminal Alien Files Center)	760-336-4768	2409 La Brucherie Road #2, Imperial, CA 92251
San Diego, CA	619-661-3151	480 Alta Road, San Diego, CA 92179
San Francisco	415-844-5512	630 Sansome Street, Rm 590 SF CA 94111
Bakersfield, CA (Fresno, Sacramento, Stockton)	661-328-4500	800 Truxtun Ave, 1st Floor
Bakersfield, CA	661-328-4500	Bakersfield, CA 93301
Agana, Guam	808-532-2744	595 Ala Moana Blvd, Honolulu, Hawaii 96813
Seattle	206-835-0650	12500 Tukwila International Blvd, Seattle, WA 98168-25006
Tacoma, WA	253-779-6000	NW Detention Center, 1623 East J Street, Tacoma, WA 98421
Yakima, WA	509-457-9258	3701 River Road, Yakima, WA 98902
Anchorage, AK	907-271-3106	620 East 10th Ave, Anchorage, AK 99513
Portland, OR	503-326-4165	511 Northwest Broadway, Portland, OR 97209
Eugene, OR	541-465-6647	211 East 7th Ave, Eugene, OR 97401
Medford, OR	541-776-3948	3715 International Way, Medford, OR 97504
St. Paul	952-953-2550	2901 Metro Dr., STE 100, Bloomington, MN 55425
Omaha, NE	402-536-4861	1717 Avenue H, Omaha, NE 68110
Des Moines, IA	515-323-2072	210 Walnut Street, Des Moines, IA 50309
Omaha, NE	402-536-4861	1717 Avenue H, Omaha, NE 68110
Grand Island, NE	308-381-6594	220 Walnut Street, Grand Island, NE 68801
Sioux Falls, SD	605-330-4276	300 E. 8th Street, Sioux Falls, SD 57103
Cedar Rapids, IA	319-286-4660	401 First Street, SE, Cedar Rapids, IA 52401
St. Paul	701-775-6654	1209 N 47th Street, Grand Forks, ND 58203
St. Paul	952-853-2550	2901 Metro Dr., STE 100, Bloomington, MN 55425
St. Paul	605-348-4044	1675 Samco Road, Rapid City, SD 57702
St. Paul	712-255-5781	1400 Pierce Street, Sioux City, IA 51105
St. Paul	308-534-6470	315 Eugene Street, North Platte, NE 69103
Washington	703-285-6301	2675 Prosperity Ave., Fairfax, VA 22031
Harrisonburg, VA	540-432-2358	263 Neff Ave., Harrisonburg, VA 22801
Richmond, VA	804-643-2695	400 N. St. Room 816., Richmond, VA 23219
Roanoke, VA	N/A	301 1st SW, Roanoke, VA 24011

Sent by [unclear]

5.0 APPENDIX B**Acronyms and Abbreviations**

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



SECURE COMMUNITIES FACT SHEET

Secure Communities: Mission

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

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



Identify criminal aliens through modernized information sharing



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



Transform criminal alien enforcement processes and systems to achieve lasting results



IDENTIFY The Challenge:

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

The Solution: Modernize Criminal Alien Identification Using Biometrics

New technology being deployed across the country enables the criminal alien's fingerprints to be checked against DHS's biometric database. This technology and the use of biometrics helps to more accurately and efficiently confirm a suspect's identity because, unlike a name or date of birth, biometrics are almost impossible to forge.

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

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

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

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



SECURE COMMUNITIES FACT SHEET



PRIORITIZE The Challenge:

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

The Solution: **Prioritize Enforcement Actions**

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

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

Deployment Strategy:

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



TRANSFORM The Challenge:

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

The Solution: **Transform ICE Business Processes and Systems**

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

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

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

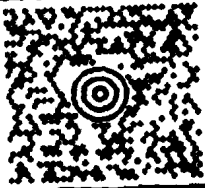



- Assess future needs for detention beds, transportation, and staffing
- Optimize ICE's overall operating efficiency

100% Recycled fiber
80% Post-Consumer

Win
Use this e
or Inkjet

- For UPS Next Day Air services, there is no weight limit for envelopes containing correspondence, urgent documents, and electronic media.
- When a ...
- For UPS only for weight
- Do not use 13 ounce Envelope rates for
- Do not

Call 1-800-PICK-UPS® (1-800-742-5877) or visit UPS.com®

IMMIGRATION JC. B KESSLER 212-790-0411 CARDOZO SCHOOL OF LAW 55 5TH AVENUE NEW YORK NY 10003		0.0 LBS LTR	1 OF 1
SHIP TO: DAVID M. HARDY, CHIEF-RECORD/INFO FBI-RECORDS MANAG. DIVISON DISSEMIN. SECTION 170 MARCEL DRIVE WINCHESTER VA 22602-4843			
	VA 226 0-20 		
UPS NEXT DAY AIR		1	
TRACKING #: 1Z 83X 7X6 01 9569 5304			
			
BILLING: P/P			
Reference # 1: 2-035-0136			
CS 12.0.23. W001270 99.0A 01/2010  TM			

<https://www.campusship.ups.com/cship/create?ActionOriginPair=print> PrinterPage&PO... 2/3/2010

for use with the following services:

0003-1410
1Z83X7X60195695304
1200

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL DAY LABORER ORGANIZING)
NETWORK, et al)

Plaintiffs,)

v.)

U.S. IMMIGRATION AND CUSTOMS)
ENFORCEMENT AGENCY, et al,)

Defendants.)

Civil Action No. 10-cv-3488

FBI-EXHIBIT B



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

March 2, 2010

MS. BRIDGET KESSLER
CARDOZO SCHOOL OF LAW
IMMIGRATION JUSTICE CLINIC
55 FIFTH AVENUE
NEW YORK, NY 10003

FOIPA Request No.: 1143784- 000
Subject: SECURE COMMUNITIES PROGRAM

Dear Ms. Kessler:

- This acknowledges receipt of your Freedom of Information-Privacy Acts (FOIPA) request to the FBI received by this office February 4, 2010. The FOIPA number listed above has been assigned to your request.
- For an accurate search of our records, please provide the complete name, alias, date and place of birth for the subject of your request. Any other specific data you could provide such as prior addresses, or employment information would also be helpful. If your subject is deceased, please include date and proof of death.
- To make sure information about you is not released to someone else, we require your notarized signature or, in place of a notarized signature, a declaration pursuant 28 U.S.C. § 1746. For your convenience, the reverse side of this letter contains a form which may be used for this purpose.
- If you want the FBI's Criminal Justice Information System (CJIS) to perform a search for your arrest record, please follow the enclosed instructions in Attorney General Order 556-73. You must submit fingerprint impressions so a comparison can be made with the records kept by CJIS. This is to make sure your information is not released to an unauthorized person.
- We are searching the indices to our Central Records System for the information you requested, and will inform you of the results as soon as possible.
- Processing delays have been caused by the large number of requests received by the FBI. We will process your request(s) as soon as possible.

Your request has been assigned the number indicated above. Please use this number in all correspondence with us. Your request for expedited processing has been granted. Your request for a fee waiver is being considered and you will be advised as to its status at a later date. Your patience is appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over the closing text.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL DAY LABORER ORGANIZING)	
NETWORK, <u>et al</u>)	
)	
Plaintiffs,)	
)	
v.)	
)	Civil Action No. 10-cv-3488
U.S. IMMIGRATION AND CUSTOMS)	
ENFORCEMENT AGENCY, <u>et al</u> ,)	
)	
Defendants.)	

FBI-EXHIBIT C

BENJAMIN N. CARDOZO SCHOOL OF LAW • YESHIVA UNIVERSITY

IMMIGRATION JUSTICE CLINIC

Peter L. Markowitz
Assistant Clinical Professor of Law
Director, Immigration Justice Clinic

Bridget Kessler
Clinical Teaching Fellow

(212) 790-0895
FAX (212) 790-0256

March 5, 2010

David M. Hardy, Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Department of Justice
170 Marcel Drive
Winchester, VA 22602-4843

Re: **Freedom of Information Act Request Received February 4, 2010**

To Whom It May Concern:

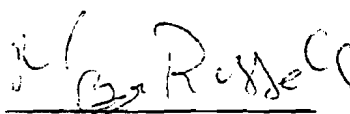
On February 3, 2010, we submitted to your office via UPS next day air a request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. UPS Delivery Notification, attached, confirms that the Federal Bureau of Investigation did in fact receive the request at 9:57 a.m. on February 4, 2010.

Your office is statutorily required to issue a response to a FOIA request within twenty working days "after the receipt of any such request." 5 U.S.C. § 552(a)(6)(A)(i). As of today, the statutory twenty day period for a response to our request has elapsed and **we have yet to receive even an acknowledgement that your office has received our request.** I write to request that you **please send us a notice confirming the date of receipt of our request** immediately.

For the sole purpose of identifying the aforementioned request, please find enclosed a copy of our FOIA request dated February 3, 2010. Note that the inclusion of a copy of the request in this communication **does not constitute a re-submission of our FOIA request** and is done only for your convenience in

identifying our request and indicating the date on which it was received.

Regards,

A handwritten signature in black ink that reads "Morgan Russell". The signature is written in a cursive style and is positioned above a horizontal line.

Morgan Russell
Law Student Intern
Cardozo School of Law
Immigration Justice Clinic
55 Fifth Avenue
New York, NY 10003
Phone: (212) 790-0895

- Encl: (1) UPS Delivery Notification indicating receipt of FOIA request on Feb. 4, 2010
(2) Copy of FOIA Request from Bridget Kessler, Clinical Teaching Fellow, Immigration Justice Clinic to David M. Hardy, Chief, Record/Information Dissemination Section, Records Management Division, Federal Bureau of Investigation (Feb. 3, 2010).

UPS CampusShip: View/Print Label

1. **Print the label(s):** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**



Customers without a Daily Pickup

 - o Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.
 - o Hand the package to any UPS driver in your area.
 - o Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return ServicesSM (including via Ground) are also accepted at Drop Boxes.
 - o To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Customers with a Daily Pickup

 - o Your driver will pickup your shipment(s) as usual.

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<p style="text-align: right;">1 OF 1</p> <p style="text-align: center;">0.0 LBS LTR</p> <p>IMMIGRATION JC. B. NESSLER 212-790-0411 CARDOZO SCHOOL OF LAW 55 5TH AVENUE NEW YORK NY 10003</p> <p>SHIP TO: DAVID M. HARDY, CHIEF-RECORD/INFO FBI-RECORDS MANAG. DIVISION DISSEMIN. SECTION 170 MARCEL DRIVE WINCHESTER VA 22602-4843</p>	<p style="font-size: 2em; font-weight: bold;">VA 226 0-20</p> 	<p style="font-size: 2em; font-weight: bold;">1</p> <p style="font-weight: bold;">UPS NEXT DAY AIR</p> <p>TRACKING #: LZ 83X 7X6 01 9569 5304</p>		<p style="text-align: center;">BILLING: P/P</p> <p>Reference # 1: 2-035-0136</p> <p style="text-align: center;">CS 12.0.23 WZB70 99.0A 01/2010</p> <div style="text-align: center;">  <p>TM</p> </div>
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UPS: Tracking Information

Page 1 of 1



Delivery Notification

Dear Customer,

This is in response to your request for delivery information concerning the shipment listed below.

Tracking Number: 1Z 83X 7X6 01 9569 530 4
Reference Number(s): 2-035-0136
Service: NEXT DAY AIR
Shipped/Billed On: 02/03/2010
Delivered On: 02/04/2010 9:57 A.M.
Delivered To: 170 MARCEL DR
WINCHESTER, VA, US 22602
Signed By: STILOS
Location: DOCK

Thank you for giving us this opportunity to serve you.

Sincerely,
UPS

Tracking results provided by UPS: 02/04/2010 10:58 A.M. ET

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL DAY LABORER ORGANIZING)	
NETWORK, <u>et al</u>)	
)	
Plaintiffs,)	
)	
v.)	
)	Civil Action No. 10-cv-3488
U.S. IMMIGRATION AND CUSTOMS)	
ENFORCEMENT AGENCY, <u>et al</u> ,)	
)	
Defendants.)	

FBI-EXHIBIT D



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

March 9, 2010

MS. BRIDGET KESSLER
CARDOZO SCHOOL OF LAW
IMMIGRATION JUSTICE CLINIC
55 FIFTH AVENUE
NEW YORK, NY 10003

FOIPA Request No. 1143784- 000
Subject: SECURE COMMUNITIES PROGRAM

Dear Ms. Kessler:

This is in reference to your letter directed to the Federal Bureau of Investigation (FBI), in which you requested a fee waiver for the above-referenced Freedom of Information/Privacy Acts (FOIPA) request. Request for fee waivers are determined on a case-by-case basis. See 5 U.S.C. 522 (a)(4)(A)(iii). See also Nat'l Sec. Archive v. DOD, 808 F.2d 1381, 1383 (D.C. Cir. 1989). The burden is on the requester to show that the statutory requirements for a fee waiver have been met. Pursuant to the Department of Justice (DOJ) standards, a fee waiver can only be granted when it is determined that a FOIPA request involves one or more of the below categories.

You have requested a fee waiver stating that:

- the subject of the requested records concerns "the operations or archives of the government"
- the disclosure is "likely to contribute" to an understanding of governmental operations or activities
- the disclosure of the requested information will contribute to the understanding of the general public, as opposed to the individual requester, and that the requester has the ability and intention to disseminate the information to the public
- the disclosure is likely to contribute "significantly" to public understanding of government operations or activities
- the requester has a commercial interest that would be furthered by the requested disclosure; and (6) whether any such commercial interest outweighs the public interest in disclosure. See 28 C.F.R. 16.11§ (k) (2004).

You have not provided enough information concerning the statutory requirements for a fee waiver; therefore, your request is denied. Specifically, you have not proven your ability to disseminate information to the general public.

You may appeal this denial by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C., 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA number assigned to your request to facilitate its identification.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over the typed name.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL DAY LABORER ORGANIZING)	
NETWORK, <u>et al</u>)	
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Plaintiffs,)	
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v.)	
)	Civil Action No. 10-cv-3488
U.S. IMMIGRATION AND CUSTOMS)	
ENFORCEMENT AGENCY, <u>et al</u> ,)	
)	
Defendants.)	

FBI-EXHIBIT E



National Day Laborer Organizing Network

Red Nacional de Jornaleros

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

www.ndlon.org

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



centerforconstitutionalrights

CARDOZO

BENJAMIN N. CARDOZO SCHOOL OF LAW • YESHIVA UNIVERSITY

March 15, 2010

Director, Office of Information Policy (OIP)
United States Department of Justice
1425 New York Ave., NW, Suite 11050
Washington, DC 20530-0001

RECEIVED

MAR 24 2010

Office of Information Policy

Re: **Freedom of Information Act Appeal of the Federal Bureau of Investigation's Denial of a Fee Waiver for FOIA Request No. 1143784- 000**

To Whom It May Concern:

This is a Freedom of Information Act ("FOIA") appeal of the determination of the Federal Bureau of Investigation ("FBI") to deny a fee waiver in connection with our FOIA request no. 1143784- 000. 28 C.F.R § 16.9(a). The request seeks information on behalf of the National Day Laborer Organizing Network ("NDLON"), the Center for Constitutional Rights ("CCR"), and the Immigration Justice Clinic of the Benjamin N. Cardozo School of Law ("the Immigration Justice Clinic") regarding the recently implemented DHS Immigration and Customs Enforcement ("ICE") Secure Communities Program. FBI denied our request for a fee waiver in a letter dated March 9, 2010 (attached).

The requested information relates to a matter of significant public concern—the new, expansive and little-understood ICE immigration enforcement program called Secure Communities. The Secure Communities program enlists states and localities in the enforcement of federal immigration laws by requiring local authorities to conduct automatic searches of immigration databases. It was launched in March 2008 and has since been implemented in over 100 jurisdictions nationwide. ICE is set to expand the program to every jail in the country by 2013. The rapid deployment of Secure Communities means that by 2013, all individuals—including United States Citizens—who come in contact with local law enforcement may be subject to federal immigration database checks and, ultimately, deportation.

The request seeks critical information that will inform the public about the scope and impact of the Secure Communities program. The requested records pertain to policies, procedures and objectives, data and statistical information, and other information related to Secure Communities. The information will provide answers to important questions, such as, how and when immigration database checks will be run by local authorities, whether sufficient protections are in place to assure that United States Citizens and lawful immigrants are not erroneously deported and that other abuses do not take place, whether the databases relied upon

are accurate, and how ICE implements enforcement priorities. The information will also permit the public to assess whether the ICE detention and removal system has the capacity to absorb the large influx of individuals identified by Secure Communities, and whether Secure Communities results in increased rates of racial profiling and damage to community policing efforts. In short, the Requesters seek information to educate the public on a wide-scale immigration enforcement initiative that is on the verge of being put into operation in every community across the nation.

A fee waiver in this case is warranted. The FOIA statute requires agencies to grant a fee waiver or reduction if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The Department of Justice has promulgated regulations setting forth various factors to be considered in determining whether the statutory criteria are met. 28 C.F.R § 16.11(k). As set forth below, when applied to the facts of this case, all of the regulatory factors militate in favor of granting a fee waiver:

(1) *The subject of the request:* The subject of the request here “concerns ‘the operations or activities of the government.’” 28 C.F.R § 16.11(k)(2)(i). The subject of the requested records concerns the “identifiable operations or activities of the federal government,” to wit: the Immigration and Customs Enforcement agency’s current and ongoing nationwide implementation of Secure Communities. *Id.*

(2) *The informative value of the information to be disclosed:* The information requested will shed light on the manner in which ICE has implemented Secure Communities around the country and how ICE plans to operate the program in the future. The requesters have pledged to make any information obtained as the result of this FOIA request available to the public, including the press, at no fee. Accordingly, the information sought in the instant FOIA is very “‘likely to contribute’ to an understanding of government operations or activities.” 28 C.F.R § 16.11(k)(2)(ii).

(3) *The contribution to an understanding of the subject by the public likely to result from disclosure:* Requesters are exceptionally well-positioned to ensure that the information obtained will “contribute to ‘public understanding.’” 28 C.F.R § 16.11(k)(1)(iii). As a nationwide organization with local community-based partners throughout the country, the National Day Laborer Organizing Network has a unique capacity to disseminate information to diverse communities. Most recently, in cooperation with other organizations, NDLO sponsored a series of informational webinars about Secure Communities. These webinars were attended by over 600 participants across the country. The Center for Constitutional Rights is also in an excellent position to disseminate information about ICE enforcement programs. CCR publishes various newsletters, handbooks and other materials for public dissemination. In addition, CCR regularly issues press releases to the general public and to supporters on a listserv of over 50,000 members about matters such as immigration, policing and detention policies. Similarly, the Immigration Justice Clinic of the Cardozo School of Law has established itself as an expert in compiling, analyzing and disseminating information about immigration enforcement operations. In February, 2009, the Immigration Justice Clinic published the

first public study of ICE home raid operations, attracting significant media attention and informing the public about constitutional violations and other abuses.

(4) *The significance of the contribution to public understanding:* While there is widespread public interest in Secure Communities, there is virtually no information about it in the public domain. The little information available, including Standard Operating Procedures, a model (unsigned) Memorandum of Agreement, and limited data, is vague, incomplete and sometimes contradictory. Accordingly, obtaining clear documentation about Secure Communities, including policies and procedures, plans for future deployment, and specific information would "significantly" contribute to the public's understanding of Secure Communities and how it fits within ICE's broader immigration enforcement agenda. 28 C.F.R § 16.11(k)(1)(iv).

(5) *The existence and magnitude of a commercial interest:* The Requesters have absolutely no commercial interest that would be furthered by the requested disclosure. 28 C.F.R § 16.11(k)(3)(i).

(6) *The primary interest in disclosure:* This factor is not relevant since the Requesters have no commercial interest that would be furthered by the requested disclosure. 28 C.F.R § 16.11(k)(3)(ii).

Since all factors militate in favor of finding that "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester," 5 U.S.C. § 552(a)(4)(A)(iii), a full fee waiver should be granted. If no fee waiver is granted, we request all applicable fee reductions.

For the aforementioned reasons, Requesters are entitled to a fee waiver in the processing of their FOIA request. Thank you for your kind consideration.

Sincerely,



Bridget Kessler

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

On behalf of the Requesters

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL DAY LABORER ORGANIZING
NETWORK, et al

Plaintiffs,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT AGENCY, et al,

Defendants.

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) Civil Action No. 10-cv-3488
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FBI-EXHIBIT F



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

APR -2 2010

Ms. Bridget Kessler
Cardozo School of Law
Immigration Justice Clinic
55 Fifth Avenue
New York, NY 10003

Re: Request No. 1143784

Dear Ms. Kessler:

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation was received by this Office on March 24, 2010.

The Office of Information Policy has the responsibility of adjudicating such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **2010-1415**. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal you may contact me at the number above.

Sincerely,

A handwritten signature in black ink, appearing to read "Priscilla Jones".

Priscilla Jones
Supervisory Administrative Specialist

FBI

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL DAY LABORER ORGANIZING)
NETWORK, et al)

Plaintiffs,)

v.)

U.S. IMMIGRATION AND CUSTOMS)
ENFORCEMENT AGENCY, et al,)

Defendants.)

) Civil Action No. 10-cv-3488

FBI-EXHIBIT G



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

JUN 11 2010

Ms. Bridget Kessler
Cardozo School of Law
Immigration Justice Clinic
55 Fifth Avenue
New York, NY 10003

Re: Appeal No. 2010-1415
Request No. 1143784
ADW:MTC

Dear Ms. Kessler:

You appealed from the fee waiver determination made by the Federal Bureau of Investigation on your request for access to records pertaining to the Secure Communities program.

I have been informed that you filed a lawsuit pertaining to the FBI's action in the United States District Court for the Southern District of New York. Inasmuch as this matter is now before the Court, I am closing your appeal file in this Office in accordance with 28 C.F.R. § 16.9(a)(3) (2009).

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Galli McLeod".

Janice Galli McLeod
Associate Director

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL DAY LABORER ORGANIZING)	
NETWORK, <u>et al</u>)	
)	
Plaintiffs,)	
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v.)	
)	Civil Action No. 10-cv-3488
U.S. IMMIGRATION AND CUSTOMS)	
ENFORCEMENT AGENCY, <u>et al</u> ,)	
)	
Defendants.)	

FBI-EXHIBIT H



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

August 13, 2010

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

RE: FOIA Request Number 1143784

Dear Ms. Kessler:

This letter is in response to your June 25, 2010, letter to Assistant United States Attorney Christopher Connelly, which contained a "Rapid Production List." The FBI continues to work on its response to the original FOIA request. In an effort to respond to the "Rapid Production List," the FBI identified 5 documents that contain responsive information to item (I)(b) in this list - "copies of any cumulative statistics compiled on S-Comm at any juncture."

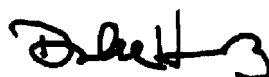
Please be advised that this is representative of the information that the FBI may have that is responsive to this subset of the FOIA request and not the entirety of potentially responsive information. Narrowing the scope of the request will help reduce the time it will take for documents to be produced, as we are continuing to process a very large volume of information. The following documents are being released to you at this time:

1. CJIS Advisory Policy Board, June 4-5, 2009, Staff Paper
2. CJIS Advisory Policy Board, Compact Council, May 13-14, 2009, Staff Paper
3. CJIS Advisory Policy Board Informational Topic, December 3-4, 2008, Staff Paper
4. National Crime Prevention and Privacy Compact Council, San Diego, CA, November 19-20, 2008, Staff Paper
5. CJIS Advisory Policy Board Compact Council, November 4-5, 2009, Staff Paper

These documents consist of 51 pages, which have been processed under the FOIA, 5 U.S.C. § 552 and Bates-labeled FBI-SC-1 through FBI-SC-51. After review, the FBI determined that 51 pages will be released with portions redacted pursuant to FOIA Exemptions (b)(2), (b)(5), (b)(6), (b)(7)(C), (b)(7)(E) and as explained in the enclosed Form OPCA-16a.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Number assigned to your request so that it may be easily identified.

Sincerely yours,

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

David M. Hardy
Section Chief
Record/Information Dissemination Section
Records Management Division

Enclosure: 1 CD-Rom
Form OPCA 16a

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

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- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (i)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.