

## U.S. steps up fingerprint program along border, in other areas

BY KEN DILANIAN

Immigration officials now have access to the fingerprints of every inmate booked into jail in all 25 U.S. counties along the Mexican border, Homeland Security Secretary Janet Napolitano announced Tuesday.

She touted the Secure Communities program as a way of identifying and deporting "criminal aliens," but immigrant rights activists criticized it after obtaining documents that show more than one-quarter of those deported under its auspices had no criminal records.

The program "essentially coopts police into doing the job of the federal government," said Sunita Patel of the [Center for Constitutional Rights](#), one of several groups that forced the disclosure of documents through a Freedom of Information Act lawsuit.

That charge is baseless, DHS officials said. Secure Communities gives Immigration and Customs Enforcement agents the ability to check the fingerprints of those arrested against a database that will show whether they have ever been deported or otherwise had contact with immigration agents.

If ICE determines that the person is in the country illegally, federal agents can institute deportation proceedings. Records show that happens in some cases, but not all.

"The Secure Communities initiative reflects ICE's ongoing commitment to smart, tough enforcement strategies that help ensure the apprehension of dangerous criminal aliens," ICE Director John Morton said. "Expediting removals decreases the amount of time these individuals spend in ICE custody — saving taxpayers money and strengthening public safety."

By some estimates, as many as 1 million illegal immigrants living in the United States have committed crimes, Morton has said. ICE often is unaware of them, even when they are in jail or prison.

In 2007, Mwenda Murithi, the Kenyan-born leader of a Chicago street gang, ordered a murder that resulted in the death of a 13-year-old girl, who was struck by a stray bullet as she frolicked on a playground. Murithi, now serving 55 years, had been arrested 26 times after his student visa was revoked in 2003 and was subject to immediate deportation, but Chicago officials never notified ICE about him.

Secure Communities makes such notifications automatic. ICE says the program has identified more than 262,900 illegal immigrants in jails and prisons who have been charged with or convicted of criminal offenses, including more than 39,000 charged with or convicted of violent offenses or major drug crimes.

DHS has expanded the initiative from 14 to 544 jurisdictions in the past 18 months. Among the participants are the counties that include Los Angeles, San Diego, Houston, Dallas, Phoenix, Miami and Philadelphia. ICE plans to implement the program nationwide by 2013.

Overall, ICE expects to remove 400,000 illegal immigrants this year, a record. Although ICE says it focuses on deporting criminals, it continues to expel non-criminals. That practice has drawn criticism from immigration rights advocates. But other critics say ICE is not tough enough.

In the first 10 months of fiscal year 2010, 142,000 illegal immigrants with criminal records were deported, ICE says, one-third more than in the same period of the prior year. About 50,000 non-

criminals were removed.

Non-criminals also can include those who have failed to show up for deportation hearings, those who recently crossed the border illegally or those who re-entered the country after deportation, ICE spokesman Richard Rocha said.

Some of the immigrants deemed to be criminals have been convicted of minor crimes, such as disorderly conduct.

The documents obtained by the immigration rights groups show that a total of 47,000 people have been removed since 2008 after being flagged under the Secure Communities fingerprint-matching program. Of those, about 28 percent were non-criminals, meaning they were arrested and booked, but not convicted.

There were a total of 119,000 fingerprint matches, but a match does not automatically mean a person is subject to removal.

The advocates noted that in some counties the proportion of non-criminals removed through Secure Communities was much higher — 82 percent in Travis County, Tex., for example.

"This indicates that police officers are picking up people on pretexts" to engineer their deportations, said Bridget Kessler of New York's Cardozo School of Law.

A spokesman for Travis County sheriff Roger Wade said his agency had a policy of not inquiring about the immigration status of its inmates.

A DHS official, speaking on condition of anonymity because he was discussing changes not yet announced, said the department was seeking changes to ensure a focus on serious criminals and not on those who commit minor offenses.

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