

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, August 13, 2010 12:39 PM  
**To:** Greenberg, Randi L; (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C); Venturella, David  
**Subject:** Lofgren Response

Are either of you available today to engage in a possible conference call with a DoJ Official on the response to Ms. Lofgren's "Opt Out" question? They too are using similar language in the note that was pulled back from DHS on yesterday. The content of their response letter is below.

The Honorable Zoe Lofgren  
Chairwoman  
Subcommittee on Immigration, Citizenship, Refugees,  
Border Security and International Law  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20510

Dear Chairwoman Lofgren:

This responds to your letter, dated July 27, 2010, to Attorney General Eric H. Holder, concerning the current deployment of ICE's Secure Communities program. We apologize for any inconvenience our delay in responding may have caused you.

As a preliminary matter, the Department of Justice contacted the office of U.S. Immigration and Customs Enforcement for information that would allow us to accurately respond to your letter. It is our understanding that Secretary Janet Napolitano will also be responding to your inquiry by letter and as such, the information contained in this letter may be repetitive. For that, we sincerely apologize. Also, it is our understanding that you are aware of the dynamics and mechanics of the Secure Communities program; as such, we will not provide you with yet another description of the program.

In your letter, you specifically asked for "a clear explanation of how local law enforcement agencies may opt out of Secure Communities by having the fingerprints they collect and submit to the SIBs checked against criminal, but not immigration, databases." In order for a local law enforcement agency to "opt out" of the Secure Communities program, it must formally notify the Assistant Director for the Secure Communities program at ICE and the appropriate state identification bureau. Formal notification may be by mail, facsimile, or e-mail. If an agency chooses not to participate in the program, the agency will no longer be automatically alerted that an individual in the agency's criminal custody may also be a removable alien.

We hope that this satisfactorily addresses your inquiry. If not, please do not hesitate to contact us with any other questions that you might have regarding the Secure Communities program.

We appreciate your interest in this matter. Please do not hesitate to contact the Department of Justice if we can be of assistance in other matters.

Sincerely,

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*Office of Congressional Relations*  
*U.S. Immigration and Customs Enforcement*

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