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**From:** Venturella, David  
**Sent:** Friday, October 29, 2010 11:15 AM  
**To:** b6, b7c b6, (b)(7)c  
**Subject:** RE: CHC Brief Notes

My edits in blue.

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**From:** b6, b7c b6, (b)(6), b7c  
**Sent:** Friday, October 29, 2010 10:04 AM  
**To:** Venturella, David; (b)(6), (b)(7)c  
**Subject:** CHC Brief Notes

Gentlemen

Below are my notes from yesterdays brief to the CHC staff. I know I missed some questions and answers, so if you have notes or a good recollection of certain points please add them to the list in the appropriate location. Also, as always, please feel free to edit these notes as you deem appropriate. The will go into a formal internal OCR memo after I receive your response.

*Memorandum*

**TO:** (b)(6), (b)(7)c

**FROM:** b6, b7c

**SUBJECT:** Secure Communities Briefing (Congressional Hispanic Caucus)

**DATE:** October 28, 2010

On Thursday, October 28, 2010, staff aides from offices of Members of the Congressional Hispanic Caucus received a briefing on the ICE Secure Communities initiative. The briefing was facilitated by

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the office of Representative Gutierrez (D-IL). The ICE SME was David Venturella, Assistant Director, Secure Communities, and Jeremy Winkler from DHS OLA was in attendance. The below of aides participated in the briefing.

- Kerri Talbot – Sen. Robert Menedez (D-NJ)
- Reiniero Rivera - Rep. Joe Baca (D-CA)
- Brenda Villanera – Rep. Joe Baca (D-CA)
- Cheryl Bassett - Rep. Henry Cuellar (D-TX)
- Alyssa Adams – Rep. Raul Grijalva (D-AZ)
- Susan Collins – Rep. Luis Gutierrez (D-IL)
- Evelyn Rodriguez – Rep. Luis Gutierrez (D-IL)
- Rosa Garcia – Rep. Luis Gutierrez (D-IL)
- Matthew Lee – Rep. Lucille Roybal-Allard (D-CA)
- Mark Carrie – Rep. Solomon Ortiz (D-TX)
- Hannah Izon – Rep. Albio Sires (D-NJ)
- Max Trijillo – Rep. Nydia Velazquez (D-NY)
- Gabriela Domenzain – Congressional Hispanic Caucus
- Patricia Tamez – Congressional Hispanic Caucus

Susan Collins opened the meeting and asked for each attendee to introduce themselves, after which, David provided an overview of Secure Communities. In his talk he touched on several points including the following points:

- SC leverages use of existing technologies to share information at the federal level
- SC does not extend immigration enforcement authorities to local LE. It is not 287(g)
- LE can continue to use the existing Immigrant Alien Query through the LESC
- There is a complaint process through both the DHS and DoJ CRCL

Following his remarks staff was invited to ask questions, from which the below notes were developed.

- You stated training for local LE is not required, so how are the local supposed to know what to do when information comes back positively identifying someone as being in the country unlawfully?
  - The local booking process does remains the same under SC, so local are not being asked to take any action in the case of immigration information being returned on an arrestee, so training in that process is not required. However, in cases where there could be an ICE action in a case, information is provided to local LE during the SC outreach process that talks about what types of enforcement actions ICE could take in a case and what the local LE could expect to see occur in those instances. So there is some information put out with explanations of what the information means.
- Whap happens in cases where there is a ‘no match’ response from an inquiry? Would ICE still initiate a file in the case?
  - If there is ‘no match’ to an inquiry, then ICE is not notified of the arrest and therefore an immigration enforcement action is not initiated. However, if the arresting LE agency chooses to initiate a query directly with ICE, an ICE officer can interview the person, and if warranted an action can be initiated.
- What happens when someone is booked on a minor charge, for instance spousal abuse, that typically would not require their prints to be taken, however, the prints are taken anyway and run against the DHS data base? This is a serious concern in the immigrant community that results in crime not be

reported?

- ICE takes these types of concern very seriously and there is a process through CRCL at DHS and Justice established for these incidents. However, in order for these allegations to be reviewed they have to be reported. Also, the states control which prints are submitted to the FBI for criminal checks, so unless prints are released from the state they cannot be checked against the DHS systems. For instance in the states of Virginia and Texas Class-C misdemeanors are not offenses for which prints are provided to federal authorities.
- Can the federal government set a national standard for what types of fingerprints are submitted at the time of booking?
  - No. Each state and even the local government set their own law and procedures that govern law enforcement and an overarching federal standard would undermine their authority.
- Often times a person is arrested and never convicted or convicted of a minor offense, so can ICE not check prints or not initiate action in a case until a conviction is handed down by a court?
  - Under SC prints are checked as part of the criminal background check process, so it is automatic, and often times there is a pre-existing conviction upon which action can be taken so early identification is key. In cases where the charge under which the person is being held may be so serious that they would not be released, ICE can wait for the criminal prosecution to be completed before a Detainer is issued in the case. Also, local LE are not mandated to honor a detainer, and in some jurisdictions they do not.
- What percentage of enforcement actions are taken for serious crime (L1) vs. other crime levels?
  - Approximately 25% of the criminal aliens removed as a result from an interoperability match had a L1 conviction(s). This is in line with national crime statistics.
- Trust between the immigrant community and LE is important, however, there is a concern crime may not be reported because of the fear of the potential for immigration action?
  - ICE will improve outreach to communities and groups concerned with the impact of SC on the immigrant community. However, local police have the responsibility to alleviate the fears of immigrants living in their communities through their community policing initiatives and efforts. For example, a police department in Oklahoma put out signs stating 'We are not ICE' in neighborhood businesses located in heavily populated immigrant communities.
- What triggers ICE to initiate proceedings?
  - Generally, if a person is identified who is or may be in the U.S. unlawfully ICE can initiate proceedings. However, these decisions are made on a case by case basis that involve consideration of available immigration resources and the specific circumstances that led ICE to the alien.
- How can family members obtain information on the whereabouts of someone who is turned over to ICE? Currently once a person is placed into ICE custody they seem to disappear into a black hole leaving the family without any information on their case.
  - As part of the detention reform effort ICE has developed the on line detainee locator system which allows anyone to enter data to find out where someone is being detained so they can seek to contact that person.
- Is there a toll free number to call for this information? In some cases a person seeking to find someone may not have access to a computer, or they may not know how to use the internet.
  - We don't know. But we will research this issue and send the response to Mr. Gutierrez's staff for dissemination.

- Is the on line system in other languages?
  - Yes.
- If a person is arrested for a minor offense, is a record initiated on them?
  - Under SC if a persons prints are submitted to the FBI system, only then will they be checked against the DHS database. If they are not found in the DHS systems ICE will not pursue the case, unless local LE contacts the agency directly seeking a follow up inquiry.
- What happens in the case of a rogue LE agency that misuses its authority just to run immigrants through this system? Can their access be shut off?
  - Technically we can suspend an agency's access to our information. Each booking location has a unique coded identifier that is attached to each record from that agency and it can be isolated.
- Previously someone indicated that it would not be possible to turn off this technology for a specific agency
  - That is not true. The technology is not too different from an e-mail system. Each sender has a unique address that can be isolated and not responded to if warranted.
- Does the state or the local LE agency enter into the MOA with ICE?
  - It is the state that enters into the MOA.
- How many states have SC and what was the process for activation? Was it alphabetical or some other random methodology?
  - Every state and each territory has been provided the MOA. Currently SC is active in 34 states and over 700 jurisdictions. Deployment of SC was based upon statistical data showing where the significant populations of criminal aliens are located, and also where required resources were in place to support the initiative.
- Can states amend the MOA?
  - Yes. In fact a few states have made requests for changes. In one case a state requested language be added to provide statistics back to the state to show the impact of SC.
- Are the SC levels aligned with the NCIC Code and are they trackable by those codes?
  - Yes, the SC levels are set based on NCIC Codes, and crimes are trackable using those codes. However, often the LE agency enters a broad code header and not the specific crime code, so it would be difficult to report on sexual assault against children, because the crime would most likely be entered by the LE agency as sexual assault.
- What impact does SC have on local LE? Is their process hampered by the initiative?
  - When a local LE agency makes an arrest, their process should move forward as it always does. The only difference will be that they would receive additional identifying information on the arrestee provided by the DHS systems. The LE agency is not asked to stop or alter their protocols if there is a response on the arrestee, however, they would know to possibly expect ICE to contact the agency to express interest in the case.
- How does SC work in places where 287(g) is operation?
  - SC and 287(g) are separate; however, SC is a benefit to 287(g) trained officers, because of the additional DHS identifying information on a particular subject. Those officers can use that information to initiate action, rather than using the manpower to conduct an interview of a subject, then making a determination to take action. SC allows for greater efficiency.
- Is there an appeals process for someone who is misidentified through SC?

– Yes, the ICE website does provide information on the CRCL process.

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