



Jesse Arreguín
Councilmember, District 4

CONSENT CALENDAR
March 29, 2011

To: Honorable Mayor and Members of the City Council
From: Councilmember Jesse Arreguín
Subject: Supporting Assembly Bill 1081, Regarding Local Government Participation in the Federal Secure Communities Program

RECOMMENDATION:

Adopt a Resolution supporting Assembly Bill (AB) 1081, authored by Assemblymember Tom Ammiano, which gives California local governments the discretion to decide whether to participate in the federal Secure Communities and would require those local governments that do participate in the Secure Communities program to implement plans to safeguard against racial profiling and exceptions to implementation to protect victims of domestic violence, juveniles and limiting the use of fingerprint information to only those convicted of a crime. This action obviates the need for the Commission's action of March 7, 2011 on the same topic to be brought forward to the City Council.

BACKGROUND:

Alameda County was the fourth Bay Area county to participate in the federal Secure Communities program, a program administered by the federal Immigration and Customs Enforcement agency (ICE), but not created by statute, which requires that those participating state and local government law enforcement agencies automatically forward the fingerprints of all people arrested, whether or not they are in the country legally to ICE. With that information, ICE can coordinate with local law enforcement and target people suspected of immigration violations for detention and deportation.

The program, which was locally introduced on April 20, 2010 and is slowly expanding across the country, has been criticized by civil rights advocates who say its implementation could lead to racial profiling and the deportation of immigrants who do not pose a public safety threat.

Statistics released about Secure Communities show that a vast majority of individuals deported through the program have had no criminal charges or were picked up for low-level offenses. A report produced by the Center for Constitutional Rights in August 2010 found that 79 percent of the people deported due to Secure Communities have had no criminal charges or were picked up for low-level offenses, such as traffic offenses or petty juvenile mischief. ICE's own data concurs that more than a quarter (28 percent) of the people transferred to ICE custody through Secure Communities have had no criminal charges.

In light of some of the problems with the implementation of Secure Communities, Assemblymember Tom Ammiano has introduced Assembly Bill (AB) 1081, which would modify the May 8, 2009 memorandum of agreement between the State of California and the U.S. Department of Homeland Security regarding the implementation of ICE's Secure Communities program.

AB 1081 modifies California's participation in the program to "*authorize a local government to participate in the Secure Communities program only upon the passage of an ordinance or resolution authorizing participation by the legislative body of the local government*" and requires such local governments to submit a "*a plan to guard against, and monitor, racial profiling associated with the local government's participation in the program,*" including possible exceptions to protect domestic violence victims and juveniles and people suspected rather than convicted of a crime.

On December 14, 2010, the Berkeley City Council voted unanimously to send a letter to the Governor and State Attorney General requesting that the State "*stop sharing arrestee fingerprint data with federal law enforcement agencies for the purpose of deporting illegal immigrants arrested for minor crimes*" and that the "*State of California should also opt out of the Secure Communities program altogether*".

Adoption of this resolution supporting AB 1081 would be consistent with the Berkeley City Council's previous statement regarding Secure Communities.

However rather than opting out of Secure Communities, which is what the City Council's previous statement recommended, AB 1081 would allow implementation of Secure Communities to continue in California by limiting the sharing of fingerprint data to those people convicted, while putting in place safeguards to protect victims of domestic violence, juveniles arrested due to minor crimes and prohibiting police checkpoints and other practices used to target illegal immigrants as a way to comply with Secure Communities.

The Peace and Justice Commission at their March 7, 2011 meeting recommended that the Council pass a resolution, similar to the one attached, supporting AB 1081.

FINANCIAL IMPLICATIONS:

NONE

CONTACT PERSON:

Jesse Arreguin, Councilmember, District 4

981-7140

Attachments:

1. Resolution
2. Copy of Assembly Bill 1081
3. "Briefing Guide to Secure Communities" from the Center for Constitutional Rights
4. Description of Council Action on Secure Communities, December 14, 2010
Council meeting Annotated Agenda

RESOLUTION NO.

SUPPORTING ASSEMBLY BILL 1081 REGARDING LOCAL GOVERNMENT PARTICIPATION IN THE FEDERAL SECURE COMMUNITIES PROGRAM

WHEREAS, Alameda County was the fourth Bay Area county to participate in the federal Secure Communities program, a program administered by the federal Immigration and Customs Enforcement agency (ICE), which requires that those participating state and local government law enforcement agencies automatically forward the fingerprints of all people arrested, whether or not they are in the country legally. With that information, ICE can coordinate with local law enforcement and target people suspected of immigration violations for detention and deportation; and

WHEREAS, in 1971, the Berkeley City Council declared Berkeley to be a City of Refuge with the passage of Resolution No. 44,784 and reaffirmed that decision in 1986 relating to Central American refugees (Resolution No. 52,596); and

WHEREAS, on May 22, 2008, the Berkeley City Council reaffirmed its status of a “City of Refuge” through its passage of Resolution No. 63,711, which requires that “*no department, agency, commission, officer or employee of the City of Berkeley shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information status of individuals in the City of Berkeley*”; and

WHEREAS, the resolution further states “*the spirit and intent of Berkeley’s refuge Resolutions would be violated if City funds, facilities or staff were utilized to assist the Federal government’s inhumane immigration policies and practices*”; and

WHEREAS, as part of its “City of Refuge” policy, City departments and employees are specifically prohibited from “*Requesting information about, or dissemination information regarding, the immigration status of any individual*”; and

WHEREAS, Secure Communities is a voluntary federal program, not required by statute, and therefore participation in the program would appear to violate the City’s “City of Refuge” policy; and

WHEREAS, a report produced by the Center for Constitutional Rights in August 2010 found that the vast majority (79 percent) of the people deported due to Secure Communities have no criminal charges or were picked up for low-level offenses, such as traffic offenses or petty juvenile mischief; ICE’s own data concur that more than a quarter (28 percent) of the people transferred to ICE custody through Secure Communities have had no criminal charges; and

WHEREAS, in Alameda County, this program has led to the deportation of 558 people since its inception; and

WHEREAS, in light of some of the problems with the implementation of Secure

Communities, Assemblymember Tom Ammiano has introduced Assembly Bill (AB) 1081, which would modify the May 8, 2009 memorandum of agreement between the State of California and the U.S. Department of Homeland Security regarding the implementation of ICE's Secure Communities program; and

WHEREAS, AB 1081 specifically mentions the City of Berkeley's concern about the local application of this federal program, referring to "*the wishes of local jurisdictions, including San Francisco, Santa Clara [County], and Berkeley, which have actively worked for decades to build community trust in law enforcement and have expressed concern that the Secure Communities program has been deployed without adequate notice or consent*"; and

WHEREAS, on December 14, 2010, the Berkeley City Council voted unanimously to send a letter to the Governor and State Attorney General requesting that the State "*stop sharing arrestee fingerprint data with federal law enforcement agencies for the purpose of deporting illegal immigrants arrested for minor crimes*" and that the "*State of California should also opt out of the Secure Communities program altogether*"; and

WHEREAS, AB 1081 modifies California's participation in the program to "*authorize a local government to participate in the Secure Communities program only upon the passage of an ordinance or resolution authorizing participation by the legislative body of the local government*" and requires such local governments to submit a "*a plan to guard against, and monitor, racial profiling associated with the local government's participation in the program,*" including possible exceptions to protect domestic violence victims and juveniles and people suspected rather than convicted of a crime.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that it hereby expresses its support for Assembly Bill (AB) 1081, authored by Assemblymember Tom Ammiano; and

BE IT FURTHER RESOLVED that the Council directs the City Clerk to send a copy of this resolution to Assembly Speaker John A. Perez, California State Assembly Members Tom Ammiano and Nancy Skinner, and State Senator Loni Hancock.

ASSEMBLY BILL**No. 1081**

Introduced by Assembly Member AmmianoFebruary 18, 2011

An act to add Chapter 17.1 (commencing with Section 7282) to Division 7 of Title 1 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1081, as introduced, Ammiano. State government: federal immigration policy enforcement.

Existing law, setting forth the findings and declarations of the Legislature, provides that all protections, rights, and remedies available under state law, except any reinstatement remedy prohibited by federal law, are available to all individuals regardless of immigration status who have applied for employment, or who are or who have been employed, within the state, and further provides that, for purposes of enforcing specified state laws, a person's immigration status is irrelevant to the issue of liability, and prohibits, in proceedings or discovery undertaken to enforce those state laws, an inquiry into a person's immigration status except where the person seeking to make the inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law.

This bill would state the findings and declarations of the Legislature with respect to a memorandum of agreement with the United States Department of Homeland Security, regarding the implementation of the Immigration and Customs Enforcement's Secure Communities program, that the Bureau of Criminal Identification and Information within the Department of Justice entered into on May 8, 2009. The bill

would require the bureau to modify that agreement, according to specified requirements, or to exercise its authority under the agreement to terminate the agreement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 17.1 (commencing with Section 7282)
2 is added to Division 7 of Title 1 of the Government Code, to read:

3
4 CHAPTER 17.1. FEDERAL IMMIGRATION POLICY ENFORCEMENT
5

6 7282. (a) The Legislature finds and declares all of the
7 following:

8 (1) Both the State of Washington and Washington, D.C., have
9 refused to enter into a memorandum of agreement with the United
10 States Department of Homeland Security regarding the Immigration
11 and Custom Enforcement’s Secure Communities program because
12 the program undermines community policing and public safety.

13 (2) Pursuant to the program, federal officials have claimed the
14 authority to enforce federal immigration laws, and in particular,
15 the authority to detain individuals based on minimal contact with
16 law enforcement.

17 (3) Immigrant residents who are victims or witnesses to crime,
18 including domestic violence related crimes, are less likely to report
19 the crime or cooperate with law enforcement because any contact
20 with law enforcement could result in deportation, without regard
21 to whether the arrest was wrongful or the result of a mistake.

22 (b) It is the intent of the Legislature that the Bureau of Criminal
23 Identification and Information within the Department of Justice
24 modify the memorandum of agreement with the United States
25 Department of Homeland Security, regarding the implementation
26 of the Immigration and Customs Enforcement’s Secure
27 Communities program, it entered into on May 8, 2009, as specified
28 in this act, thereby paying respect to the wishes of local
29 jurisdictions, including San Francisco, Santa Clara, and Berkeley,
30 which have actively worked for decades to build community trust
31 in law enforcement and have expressed concern that the Secure

1 Communities program has been deployed without adequate notice
2 or consent.

3 7282.1. (a) The Bureau of Criminal Identification and
4 Information within the Department of Justice shall modify the
5 memorandum of agreement with the United States Department of
6 Homeland Security, regarding the implementation of the
7 Immigration and Customs Enforcement’s Secure Communities
8 program, entered into on May 8, 2009, in accordance with all of
9 the following requirements:

10 (1) The modified agreement shall authorize a local government
11 to participate in the Secure Communities program only upon the
12 passage of an ordinance or resolution authorizing participation by
13 the legislative body of the local government.

14 (2) The modified agreement shall require a local government
15 that opts to participate in the program, as provided in paragraph
16 (1), to submit to the Bureau of Criminal Identification and
17 Information within the Department of Justice a plan to guard
18 against, and monitor, racial profiling associated with the local
19 government’s participation in the program.

20 (3) The modified agreement shall authorize local governments
21 to adopt reasonable exceptions to the implementation of the
22 program with respect to all of the following:

23 (A) Protections for domestic violence victims.

24 (B) Protections for juveniles.

25 (C) An explicit limitation on the sharing of fingerprints under
26 the program to those of individuals convicted, rather than merely
27 accused, of a crime.

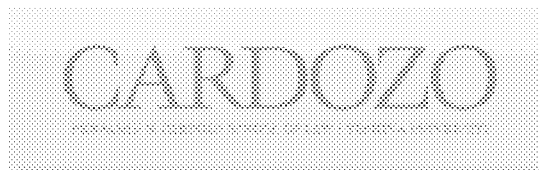
28 (4) The modified agreement shall include, but not be limited
29 to, all of the following safeguards against racial profiling:

30 (A) A prohibition against the use of driver’s license checkpoints
31 to obtain fingerprints for the purposes of the Secure Communities
32 program.

33 (B) A requirement that the Immigration and Customs
34 Enforcement establish a complaint mechanism that allows for
35 expedited review of claims by those put into immigration removal
36 proceedings prior to conviction as a result of the program.

1 (b) If the bureau is unable to fulfill the requirements of
2 subdivision (a), it shall exercise its authority under the agreement
3 to terminate the agreement.

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**BRIEFING GUIDE TO “SECURE COMMUNITIES”--
ICE’S CONTROVERSIAL IMMIGRATION ENFORCEMENT PROGRAM
NEW STATISTICS AND INFORMATION REVEAL DISTURBING TRENDS AND LEAVE CRUCIAL
QUESTIONS UNANSWERED**

DESPITE CONCERNS, ICE CONTINUES TO DEPLOY S-COMM AT BREAKNECK SPEED

- “Secure Communities” (S-Comm) is an Immigration and Customs Enforcement (ICE) agency program that requires state and local law enforcement agencies to automatically forward the fingerprints of all people arrested through immigration databases at booking.¹ ICE then coordinates with local law enforcement to target people suspected of immigration violations for detention and deportation.
- In February 2010, when the **National Day Laborer Organization Network (NDLON)**, the **Center for Constitutional Rights (CCR)** and the **Kathryn O. Greenberg Immigration Justice Clinic of the Benjamin N. Cardozo School of Law** filed an administrative Freedom of Information (FOIA) request, ICE had activated S-Comm in 116 jurisdictions in 16 states.² In the past six months, ICE has tripled the number of jurisdictions operating S-Comm and it now operates in 494 jurisdictions in 27 states.³ ICE aims to implement it in every jurisdiction in the nation by 2013.⁴

S-COMM IS AN IMMIGRATION DRAGNET NOT A PROGRAM FOCUSED ON “HIGH THREAT” INDIVIDUALS AS ICE HAS TOLD LOCAL POLICE DEPARTMENTS

- In accordance with a congressional mandate,⁵ ICE has sold S-Comm to local police departments as a program focused on Level I “high-threat” criminal immigrants.⁶ The numbers tell a different story:

¹ Immigration and Customs Enforcement, Secure Communities State Identification Deployment Briefing, New York State, June 17, 2009, ICE FOIA 10-2674.000800 - ICE FOIA 10-2674.000826, at ICE FOIA 10-2674.000811. *All documents obtained by Plaintiffs in NDLO et al. v. ICE et al are available at: <http://ccrjustice.org/secure-communities>.*

² Immigration and Customs Enforcement, Secure Communities, IDENT/IAFIS Interoperability, Monthly Statistics through Jan. 31, 2010, prepared Feb. 5, 2010, ICE FOIA 10-2674.000037 - ICE FOIA 10-2674.000043, at ICE FOIA 10-2674.000037,

³ Immigration and Customs Enforcement, “Activated Jurisdictions”, *available at* http://www.ice.gov/doclib/secure_communities/pdf/sc_activated.pdf.

⁴ *Id.*

⁵ Department of Homeland Security, Immigration and Customs Enforcement, Secure Communities: Quarterly Report, Fiscal Year 2009 Report to Congress, Third Quarter, August 27, 2009, ICE FOIA 10-2674.000277 - ICE FOIA 10-2674.000317, at ICE FOIA 10-2674.000279 (noting the congressional mandate to prioritize those individuals convicted of crimes, prioritizing those convicted of serious crimes); Department of Homeland Security, Immigration and Customs Enforcement, 1st Quarterly Status Report (April – June 2008) for Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens, August 2008, ICE FOIA 10-2674.000095 - ICE FOIA 10-2674.000133, at ICE FOIA 10-2674.000097 (noting that congress allocated funds for ICE to “improve and modernize efforts to identify aliens convicted of a crime [and] sentenced to imprisonment.”).

⁶ Immigration and Customs Enforcement, State Identification Bureau Deployment Briefing, New York State, July 17, 2009, ICE FOIA 10-2674.000800 - ICE FOIA 10-2674.000826, at ICE FOIA 10-2674.000818.

The vast majority (79 percent) of the people deported due to S-Comm are non-criminals or were picked up for lower level offenses, such as traffic offenses or petty juvenile mischief.⁷

According to ICE's own data, since the program was initiated, more than a quarter (28 percent) of the people transferred to ICE custody through S-Comm have been non-criminals.⁸

- As ICE expands S-Comm, the program moves even further away from Congress's mandate:

In FY 2009, 22 percent of individuals transferred to ICE custody through S-Comm were non-criminals.⁹ Thus far, in FY 2010, that number has jumped to 32 percent.¹⁰

S-COMM COERCES STATES AND LOCALITIES INTO WIDESPREAD ROUTINE CIVIL IMMIGRATION ENFORCEMENT WHILE MISREPRESENTING THE SCOPE OF THE PROGRAM AND THE BURDEN ON LOCAL LAW ENFORCEMENT AND COMMUNITIES

- ICE markets S-Comm as posing no additional burden and "little or no change to current procedures"¹¹ for local law enforcement. Previously unreleased correspondence between local law enforcement officials in Florida indicates otherwise:

"Time is . . . a factor for our staff. Sending I.A.Q.'s, [Immigration Alien Queries], waiting for responses, making phone calls to different immigration officials for clarification on detainees status, gathering additional information for immigration such as photos, booking sheets, fingerprints, and palm prints [for S-Comm] **takes away from the deputies regular duties within the facility[.]**"¹²

"I was also informed today that Booking received multiple calls last night. You advised that the calls would be occasional. **This is not what I was informed to expect.**"¹³

⁷ Immigration and Customs Enforcement, Secure Communities, IDENT/IAFIS Interoperability, Monthly Statistics through June 30, 2010, prepared on July 9, 2010, ICE FOIA 10-2674.000080 - ICE FOIA 10-2674.000079, at ICE FOIA 10-2674.000086. This statistic reflects the number of individuals deported through S-Comm from October, 2008 through June 2010. *Id.* The cumulative number of individuals deported through S-Comm in that time period is 46,929, while the total number of non-criminals and low level, Level II and Level III offenders deported through S-Comm is 37,107. *Id.*

⁸ *Id.*, at ICE FOIA 10-2674.000080. This statistic reflects the number of individuals administratively arrested or booked into ICE custody through S-Comm from the program's initiation in October 2008 through June 2010. *Id.* The cumulative number of individuals administratively arrested or booked into ICE custody through S-Comm is 89,019, while the total number of non-criminals administratively arrested or booked into ICE custody through S-Comm is 24,706. *Id.*

⁹ *Id.*, at ICE FOIA 10-2674.000080. This statistic reflects the number of individuals administratively arrested or booked into ICE custody through S-Comm during Fiscal Year 2009. *Id.* The cumulative number of individuals administratively arrested or booked into ICE custody through S-Comm during that time period is 35,357, while the total number of non-criminals administratively arrested or booked into ICE custody through S-Comm is 7,728. *Id.*

¹⁰ *Id.*, at ICE FOIA 10-2674.000080. This statistic reflects the number of individuals administratively arrested or booked into ICE custody through S-Comm from October 2009 through June 30, 2010. *Id.* The cumulative number of individuals administratively arrested or booked into ICE custody through S-Comm during that time period is 53,482, while the total number of non-criminals administratively arrested or booked into ICE custody through S-Comm is 16,978. *Id.*

¹¹ Immigration and Customs Enforcement, State Identification Bureau Deployment Briefing, New York State, July 17, 2009, ICE FOIA 10-2674.000800 - ICE FOIA 10-2674.000826, at ICE FOIA 10-2674.0000818; *see also* Immigration and Customs Enforcement, Secure Communities Talking Points Police Executive Research Forum, Jan. 12, 2010, ICE FOIA 10-2674.000430 - ICE FOIA 10-2674.000433, at ICE FOIA 10-2674.0000431 ("This enhancement and interoperability process takes place behind the scenes and does not impact your daily operations.").

¹² Public record obtained by the Florida Immigrant Advocacy Center. Martin County, Florida, Memo From Lieutenant Michael Barry, Martin County Sheriff's Office to Major Steve Chase, Re Immigration Procedures, February 28, 2009, at Florida_ORR_0153, *available at* <http://www.fiacfla.org/fiacsecurecommunities.html>.

¹³ Public record obtained by the Florida Immigrant Advocacy Center. Orient Road, Florida, Email from Major Robert Lucas, Hillsborough County Sheriff's Office [rlucas@hcsotampa.fl.us], to George Hernandez, Department of Homeland Security [George

“. . . [t]here is much to this that we are unsettled about. It is being rushed at us and it looks like a project that we will have to gauge as it goes. [ICE] is not communicating well within its departments and just seems anxious to get the project started.”¹⁴

- Despite issues such as S-Comm’s potentially devastating impact on the community policing initiatives of local law enforcement agencies, early in S-Comm’s deployment, ICE shifted away from agreements with local police to signing top-down state level agreements without local input.¹⁵ This approach seems to have limited the right of localities to choose not to participate in the program.¹⁶
- Widespread confusion persists about how jurisdictions can choose not to participate in S-Comm due to concern about how the program will impact community policing initiatives and public safety.¹⁷

DOCUMENTS RAISE CRUCIAL QUESTIONS ABOUT RACIAL PROFILING AND CONSTITUTIONAL VIOLATIONS COVERED UP BY S-COMM

- ICE states that S-Comm “*reduces* racial and ethnic profiling.”¹⁸ But preliminary data suggests the more logical conclusion is that S-Comm facilitates and conceals racial profiling. In S-Comm jurisdictions, unscrupulous police officers can stop and arrest people based solely on their appearance, expecting that those individuals will be deported, even if they were wrongfully arrested and are never convicted.
- Nationwide, an average of 26 percent of all S-Comm deportations are of non-criminals.¹⁹ In Maricopa County, Arizona, however, ICE categorizes more than half (54 percent) of people deported through S-Comm as non-criminals. The disparity between Maricopa and the national statistics provides evidence that Sheriff Joe Arpaio’s deputies use minor traffic and other offenses as pretext for arresting Latino immigrants.

Hernandez@dhs.gov], re:“Phone number,” February 25, 2009, at Florida_ORR_0404, available at <http://www.fiacfla.org/fiacsecurecommunities.html>.

¹⁴ Public record obtained by the Florida Immigrant Advocacy Center. Orient Road, Florida, Email from Robert Lucas Hillsborough County Sheriff’s Office [rlucas@hcsa.tampa.fl.us], to Mark Walther, February 12, 2009, at Florida_ORR_0417, available at <http://www.fiacfla.org/fiacsecurecommunities.html>

¹⁵ See Department of Homeland Security, Immigration and Customs Enforcement, 1st Quarterly Status Report (April – June 2008) for Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens, August 2008, ICE FOIA 10-2674.000095 - ICE FOIA 10-2674.000133, at ICE FOIA 10-2674.000105. (“ICE will aim to establish as many MOUs as possible at the state level instead of with each county or LEA to shorten deployment schedules and encourage state-wide support and coordination.”); see also Letter from David J. Venturella, Executive Director, Secure Communities, to Linda Denly, Bureau of Criminal Identification and Information, California Department of Justice, Re ICE Secure Communities Memorandum of Agreement (MOA), January 23, 2009, available at http://www.ice.gov/doclib/foia/secure_communities-moa/r_california_4-10-09.pdf (“Deployment at the local level requires a signed Statement of Intent (SOI), by participating agencies that oversee booking locations to ensure those agencies understand and adhere to the principles set forth in the MOA and a set of Standard Operation Procedures.”).
Procedures.”

¹⁶ Letter from Michael Hennessey, Sheriff, City and County of San Francisco, to Edmund G. Brown, Jr., Attorney General, California Department of Justice, May 18, 2010, available at <http://uncoverthetruth.org/san-francisco-to-opt-out-of-secure-communities> (asking to opt out of S-Comm because the program “conflicts with local law.”).

¹⁷ Letter from Zoe Lofgren, Chairwoman, Subcomm. on Immigration, Citizenship, Refugees, Border Security and International Law, to Janet Napolitano, Sec’y of Homeland Security, Department of Homeland Security and Eric H. Holder, Jr., Attorney General, U.S. Dep’t of Justice, July 27, 2010, available at <http://uncoverthetruth.org/july-27-2010-letter-from-representative-zoe-lofgren> (noting that “there appears to be significant confusion about how local law enforcement agencies may “opt out” of participating in Secure Communities.”).

¹⁸ Immigration and Customs Enforcement, State Identification Bureau Deployment Briefing, New York State, July 17, 2009, ICE FOIA 10-2674.000800 - ICE FOIA 10-2674.0000826, at ICE FOIA 10-2674.0000818.

¹⁹ Immigration and Customs Enforcement, Secure Communities, IDENT/IAFIS Interoperability, Monthly Statistics through June 30, 2010, prepared on July 9, 2010, ICE FOIA 10-2674.000080 - ICE FOIA 10-2674.0000080, at ICE FOIA 10-2674.000080.

But Maricopa County is far from the worst. Compare the following as indicia of racial profiling:²⁰

○ Travis, TX	82 percent of S-Comm deportations are of non-criminals
○ St. Lucie, FL	79 percent of S-Comm deportations are of non-criminals
○ Yavapai, AZ	74 percent of S-Comm deportations are of non-criminals
○ Tarrant , TX	73 percent of S-Comm deportations are of non-criminals
○ Broward, FL	71 percent of S-Comm deportations are of non-criminals
○ Suffolk, MA	68 percent of S-Comm deportations are of non-criminals
○ Hillsborough, FL	66 percent of S-Comm deportations are of non-criminals
○ Miami-Dade, FL	66 percent of S-Comm deportations are of non-criminals
○ Pima, AZ	65 percent of S-Comm deportations are of non-criminals
○ Wake, NC	64 percent of S-Comm deportations are of non-criminals
○ Collin, TX	63 percent of S-Comm deportations are of non-criminals
○ San Diego, CA	63 percent of S-Comm deportations are of non-criminals
○ Santa Barbara, CA	58 percent of S-Comm deportations are of non-criminals
○ Dallas, TX	56 percent of S-Comm deportations are of non-criminals
○ Ventura, CA	56 percent of S-Comm deportations are of non-criminals
○ Webb, TX	56 percent of S-Comm deportations are of non-criminals
○ Maricopa, AZ	54 percent of S-Comm deportations are of non-criminals

²⁰ Immigration and Customs Enforcement, National Interoperability Statistics, by Jurisdiction, ICE FOIA 10-2674.000087 – ICE FOIA 10-2674.000094.

Regular Meeting Annotated Agenda December 14, 2010

25. Response to Peace and Justice Commission report entitled "Opposition to Secure Communities" (PDF)

From: City Manager

Recommendation:

1. Do not adopt the proposed Resolution by the Peace and Justice Commission ("PJC") regarding the federal government's "Secure Communities" program, and
2. If Council would like to voice opposition to the Secure Communities program, direct the City Clerk to send a letter requesting the Governor-elect and the state Attorney General-elect to either:
 - a. Stop the state Department of Justice ("DOJ") from sharing arrestee fingerprint data with federal law enforcement agencies for the purpose of deporting illegal immigrants arrested for minor crimes; or
 - b. Have California opt out of the Secure Communities program altogether.

Financial Implications: None

Contact: Michael Meehan, Police, 981-5700

Action: 4 speakers. M/S/C (Worthington/Arreguin) to refer the item to the Agenda Committee and direct the City Clerk to send a letter requesting the Governor and the state Attorney General to either:

- a. Stop the state Department of Justice ("DOJ") from sharing arrestee fingerprint data with federal law enforcement agencies for the purpose of deporting illegal immigrants arrested for minor crimes; or
- b. Have California opt out of the Secure Communities program altogether.

Vote: Ayes - Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes - None.

