



Board of County Commissioners

June 9, 2011

The Honorable John Hickenlooper
Governor, State of Colorado
136 State Capitol
Denver, CO 80203-1792

Dear Governor Hickenlooper:

The Boulder County Board of County Commissioners writes to you today regarding the "Secure Communities" program of the U.S. Department of Homeland Security's Immigration and Customs Enforcement (ICE) agency and our concerns regarding the scope and implementation of that program in Colorado. Specifically, we respectfully ask that you rescind Colorado's participation in the Secure Communities program. If rescission is not possible, we ask for a complete moratorium on implementation of Secure Communities in Colorado until a pending federal investigation into the program can be completed and any concomitant recommendations implemented.

Recent data confirm that, contrary to the stated purpose of the program to identify and deport serious and repeat criminal offenders, Secure Communities more often acts as a dragnet that causes deportation of significant numbers of low-level offenders and persons not convicted of any offense whatsoever. In May 2011, Governor Pat Quinn of Illinois terminated the Secure Communities program statewide, and Governor Andrew Cuomo of New York suspended the program in that state in the first week of June 2011. Both governors based their decisions on concerns about the over-reaching scope and negative impact of Secure Communities in their states. The governors cited the failure of Secure Communities to meet the stated intent of targeting convicted offenders of serious criminal offenses (in Illinois, fewer than 20% of those deported under Secure Communities have ever been convicted of a serious crime) and mentioned the harmful impact to families, immigrant communities, local law enforcement, and community-police relationships.

Also in May, Representative Zoe Lofgren of California called for an investigation into Secure Communities. This call was joined by the Congressional Hispanic Caucus, the Congressional Progressive Caucus, and other federal elected officials. In response to Congresswoman Lofgren's request, the Department of Homeland Security's Office of the Inspector General (OIG) agreed to open an investigation to "determine the extent to which ICE uses the program to identify and remove dangerous criminal aliens from the United States." OIG also will examine cost, accuracy of data collection, and whether the program is being applied equitably across communities. Finally, OIG will review the manner in which ICE officials portrayed the program to states and counties, which were initially told they could opt out only to be later informed that participation always has been mandatory.

Cindy Domenico *County Commissioner* **Ben Pearlman** *County Commissioner* **Will Toor** *County Commissioner*

Boulder County Courthouse • 1325 Pearl Street • Boulder, Colorado 80302 • Tel: 303.441.3500 • Fax: 303.441.4525
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org • commissioners@bouldercounty.org

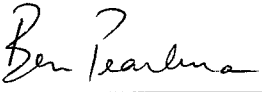
Boulder County has had significant concerns about Secure Communities since before Governor Ritter signed the Memorandum of Agreement with ICE in January 2011. The following policy position was formally adopted by the Boulder County Board of County Commissioners in 2010, prior to the aforementioned MOA.

<p>SUPPORT CLARIFYING LANGUAGE IN THE SECURE COMMUNITIES AGREEMENT BETWEEN THE STATE OF COLORADO AND THE FEDERAL GOVERNMENT THAT: 1) PROTECTS NON-CRIMINAL IMMIGRANTS AND VICTIMS OF CRIME; 2) LIMITS THE SCOPE OF THE PROGRAM TO LEVEL 1 OFFENDERS, AS INTENDED; AND 3) IF THE FOREMENTIONED STIPULATIONS ARE NOT FORMALIZED IN THE FEDERAL-STATE AGREEMENT, INCLUDES AN OPT-OUT PROVISION FOR LOCAL JURISDICTIONS IN THE STATE IMPLEMENTATION OF SECURE COMMUNITIES</p>	<p>The federal government seeks to implement the Secure Communities program nationwide by 2013. Boulder County supports legislative, administrative or regulatory language that ensures the program in Colorado does not unfairly target individuals it is not intended to target. Secure Communities is intended to identify dangerous criminals and repeat criminal offenders, and the state-federal Memorandum of Agreement (MOA) should specify that prioritization will be limited to Level 1 offenders. Furthermore, Colorado's SB 06-090 mandated reporting mechanisms similar to Secure Communities, but provides for protections of victims of domestic violence via exclusion. Boulder County supports similar exclusion of this population in Secure Communities implementation in Colorado as well as protection of immigrants and individuals with immigrant surnames from incorrect identification as criminals. Should such protective stipulations not be included in the MOA, Boulder County recommends inclusion of an opt-out provision for local jurisdictions.</p>
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Secure Communities is intended to identify and deport non-citizens convicted of dangerous and violent offenses, and at present the program appears to vastly exceed that scope, acting instead as a de facto deportation dragnet. Casting an unreasonably wide net will separate Colorado families frivolously, erode relationships of trust between law enforcement and immigrant communities, and place an unreasonable burden on local law enforcement. In such a dragnet scenario, children could lose a parent for nothing more than a minor traffic violation, families could lose a crucial source of income, and more people may be required to seek help from public assistance programs to meet their basic needs. Furthermore, the program creates an unfunded mandate for county and state law enforcement.

In light of these significant concerns about Secure Communities, together with the pending federal investigation into the program, we urge you to rescind Colorado's participation in Secure Communities. If rescission is not possible, then we urge an immediate moratorium on implementation of Secure Communities in Colorado until the investigation is completed and corrective recommendations implemented. Thank you for your consideration of our request.


Respectfully,



 Ben Pearlman
 Chair



 Cindy Domenico



 Will Toor