



**GUIDE TO “SECURE COMMUNITIES BY THE NUMBERS: AN ANALYSIS OF
DEMOGRAPHICS AND DUE PROCESS”
OCTOBER 19, 2011**

On October 19, 2011, the Chief Justice Earl Warren Institute on Law and Social Policy of the University of California-Berkeley, released its report titled “Secure Communities by the Numbers: An Analysis of Demographics and Due Process” on Secure Communities. Secure Communities, or S-Comm, is an immigration enforcement program launched in 2008 by Immigration and Customs Enforcement (ICE) which utilizes local law enforcement resources to enforce federal immigration laws, largely through the data sharing of fingerprint records. The program was advanced in secrecy despite significant public outcry over its devastating effects on communities, costs to local police and reports that crime victims feared coming forward due to the program.

The report relies on data from federal agencies obtained following Freedom of Information Act litigation brought by the Center for Constitutional Rights (CCR), along with the National Day Laborer Organizing Network (NDLON), and the Immigration Justice Clinic of the Benjamin N. Cardozo School of Law.¹

KEY FINDINGS AND CONCLUSIONS

- **IMPACT ON U.S. CITIZENS**
 - The Warren Institute estimates that since S-Comm program was implemented approximately 3,600 U.S. citizens have been arrested by ICE.²
 - “More than one-third (39%) of individuals arrested through Secure Communities report that they have a U.S. citizen spouse or child,”³ and the researchers estimate that 88,000 U.S. families have been impacted by Secure Communities since its inception.
- **DISPROPORTIONATE IMPACT ON LATINOS**
 - Although they comprise only 77% of the undocumented population in the United States, the Warren Institute finds that Latinos make up 93% of those arrested through the program.⁴

¹ Learn more about *NDLON v. ICE* at www.ccrjustice.org/secure-communities.

² Warren Institute, “An Analysis of Federal Secure Communities Data” October 2011, 4. Available: http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.

³ *Id.* at 2.

⁴ *Id.* at 5-6.

- **DETENTION & DUE PROCESS CONCERNS**
 - The Warren Institute finds “only 52% of individuals arrested through Secure Communities are slated to have a hearing before an immigration judge;”⁵ of those who did have hearings only 24% had access to counsel “compared to 41% of all immigration court respondents;”⁶ and of the 2% of people granted relief from deportation nearly two-thirds had an attorney of record.⁷
 - “A large majority (83%) of people arrested through Secure Communities is placed in ICE detention.”⁸
 - “Nearly half (47%) of individuals placed in deportation proceedings were transferred to a different ICE facility at least once.”⁹
 - There was no difference in detention rates based on level of offense, despite the fact that ICE purports to be guided by offense levels in its decisions about who to detain.¹⁰
 - One individual highlighted in the Warren Institute sample was transferred a total of ten times in less than five months. The frequency and distance of transfer significantly impacts access to counsel, family and jurisdiction, and when a case moves out of state the application of law may change ultimately risking wrongful deportation.¹¹

CCR AND NDLOM RECOMMENDATIONS BASED ON WARREN INSTITUTE REPORT:

- End S-Comm and halt its implementation in all jurisdictions.
- Stop compelling localities and states to participate in immigration enforcement programs, including S-Comm.
- Stop entangling local law enforcement and federal civil immigration functions. Review other ICE Access programs to determine whether they suffer from the same flaws as S-Comm, and change or eliminate them accordingly.
- Stop allowing S-Comm to serve as a shield for racial profiling and other civil rights abuses by deporting victims and witnesses before abuses can be reported, documented and investigated.
- Restore judicial discretion and due process protections in immigration detention.
- End mandatory detention by repealing section 236(c) of the Immigration and Nationality Act and release immigration detainees who are in immigration custody based on discretionary decisions by ICE.

⁵ *Id.* at 2.

⁶ *Id.* at 2.

⁷ *Id.* at 11.

⁸ *Id.* at 2.

⁹ *Id.* at 10.

¹⁰ *Id.* at 8-9.

¹¹ *Id.* at 10.