

Microsoft Outlook

From: (b)(6), (b)(7)(C)
Sent: Friday, June 03, 2011 11:44 AM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C) (... (b)(6), (b)(7)(C) b6, b7c
Subject: Secure Communities Messaging

(b)(6), (b)(7)(C) the San Francisco Field Office conducted an ICE Outreach Meeting on June 1, 2011, that encompassed the Eastern District of California. In addition to this meeting there was a meeting with CAL DOJ, FBI CJIS, SC, and myself on 5/31/11. CALDOJ informed us that they had been tasked by the (b)(6), (b)(7)(C) to develop policy regarding QID inquiries and IDN transactions. I've included my response below for your review regarding QID's and IDN's.

A second email was sent by (b)(6), (b)(7)(C) from CAL DOJ with separate questions regarding SC. I've inserted my proposed answers in Red. I am forwarding this to you per the instructions received through ERO Taskings also attached. Thank you.

QID's and IDN's stem from an encounter with a local LEA. This usually occurs when an LEA stops an individual for a vehicle violation or Penal Code violation and the LEA is unable to obtain the identity of the individual. Per CA Case Law the LEA is allowed to bring the individual into a booking location in order to attempt to ID them. This encounter is brief and can last only about 4 hours. The encounter may lead to a booking or the individual could be released. So this usually occurs when the individual has no ID or a false ID.

These encounters while not initially criminal in nature are sent to the FBI by the SIB as a CAR transaction and since it is a CAR transaction it is forwarded to SC. The AG is asking CALDOJ to look into the possibility of not forwarding these transactions to SC since they don't consider them criminal arrests. The FBI does not keep these transactions on file so that is another reason the AG (CAL DOJ) believes SC should not receive the transaction.

(b)(6), (b)(7)(C) from CJIS told them any such request would need to go before the board but we all asked to see what these transactions are and what the final result were from these requests so that's what generated the email below.

From my perspective in the Field I believe there is no reason these transactions shouldn't be forwarded to SC and would further state why wouldn't the local LEA want to receive that information from SC? We've had cases where they've run individuals and it turns out they are wanted felons, prior deport, etc. So it could be quite harmful to the safety of the community if these cases weren't sent to SC.

I just wanted to make you aware of this due to the tasking by HQ to send these types of issues forward. I'm sure (b)(6), (b)(7)(C) reported up the SC chain of command regarding this issue.

The AG has not made a statement on her stance regarding SC but she has asked CAL DOJ to develop policy for the DAG's to review in order for her to make a statement and the QID's and IDN's were a specific issue. I believe she'd like to see that occur to insulate herself and state that she has taken some action against SC.

FIRST EMAIL:

8/10/2011

From: (b)(6), (b)(7)(C) [mailto:(b)(6), (... (b)(6), (b)(7)(C)]
Sent: Thursday, June 02, 2011 4:56 PM
To: (b)(6), (b)(7)(C)
Subject: DHS Hit Response

Hi (b)(6), (b)(7)...

It was nice meeting you on Tuesday. I've identified 10 QID and 10 IDN transactions that received a DHS Hit Response. What information do I need to send you from these transactions for your analysis?

Also, as an FYI, we looked at DHS responses for a period of 10 days. We received 4089 (10%) Hit Responses and 35341 (90%) No Hit Responses.

Please let me know if you have any questions.

(b)(6), (... (b)(6), (b)(7)(C)
Senior Information Systems Analyst, Supervisor

Department of Justice

Criminal Justice Information Technology Systems Bureau

Biometrics Support Section

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

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

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SECOND EMAIL:

(b)(6), (b)...

8/10/2011

It was great to meet you yesterday and glean some additional information on Secure Communities. I have two questions:

(1) Once CA/DOJ returns the response message from DHS/FBI to the local law enforcement agency, (and ICE office receives the same response), how does ICE provide the detainer notice to the LEA? In person, via a call, ICE officer already on site?? **A detainer is usually sent via Fax but it may also be placed by an officer currently at the facility.**

(2) There is a great concern regarding the number of Level 1 and 2 removals vs. the larger number of "non-criminals" reported on DHS/ICE stat reports. After speaking with (b)(6), (b)(7)(C) yesterday, she shed some light on the fact that the fewer number of level one/two removals may be based on the fact time it takes from the arrest to the time the subject is turned over to ICE (1 day to 1 year). Can you explain this? What is hard for CA/DOJ to understand is the fact that the stats show ICE is removing far less violent offenders than the non-violent offenders. **To date, Secure Communities has led to the removal of more than 77,000 illegal immigrants convicted of crimes, including more than 28,000 convicted of major violent offenses like murder, rape and the sexual abuse of children. Under Secure Communities, state and local law enforcement officers are not deputized, do not enforce immigration law, and are not tasked with any additional responsibilities. In fact, State and local law enforcement officers are asked to enforce the law in exactly the same manner as they did before Secure Communities was activated in their jurisdiction. In this program, only federal officers make immigration decisions, and they do so only after a completely independent decision by state and local law enforcement to arrest an individual for a criminal violation of state law separate and apart from any violations of immigration law. Between October 2008 and the end of FY 2010, the number of convicted criminals that ICE removed from the U.S. increased 71%, while the number of non-criminals removed dropped by 23%. These trends are due in significant part to the implementation and expansion of Secure Communities. In fact, Secure Communities has accounted for 29% of all ICE criminal alien removals this year to date. As (b)(6), (b)(7)(C) explained those arrested for lesser offenses are almost always immediately released to ICE on our holds while those arrested for felony offenses stay in custody for a much longer period of time. This is due to many factors including budgetary issues within California which has caused most jails to release all misdemeanor offenders immediately and only keep felony arrests in custody.**

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

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

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

Bureau of Criminal Identification & Investigative Services

8/10/2011

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

Office: (b)(6), (b)(7)(C)

Cell: (b)(6), (b)(7)(C)

Fax: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)

Sent: Thursday, May 26, 2011 8:00 AM

To: (b)(6), (b)(7)(C)

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

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

Cc: (b)(6), (b)(7)(C)

Subject: FW: Secure Communities Messaging

Importance: High

All

FYI

To: Field Office Directors and Deputy Field Office Directors

Subject: Secure Communities Messaging

In order to ensure that the messaging regarding Secure Communities is consistent nationwide all external requests for information on Secure Communities should be relayed to (b)(6), (b)(7)(C), Chief of Staff (COS) for the Executive Associate Director (EAD) for ERO. Field Office Directors should also notify (b)(6), (b)(7)(C) if a local jurisdiction, law enforcement agency, government, or non government entity raises issues or concerns about Secure Communities within their AOR. In addition, all meetings at which SC will be discussed need to be referred to (b)(6),...

If you have any questions, please contact (b)(6), (b)(7)(C) via e-mail at (b)(6),... (b)(6), (b)(7)(C))(C) or at (b)(6), (b)(7)(C).

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8/10/2011

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