



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
METROPOLITAN POLICE DEPARTMENT

July 22, 2010

The Honorable Phil Mendelson, Chairman  
Committee on Public Safety and the Judiciary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 402  
Washington, DC 20004

Dear Councilmember Mendelson:

In response to your request at the Committee on Public Safety and the Judiciary's hearing on the *Secure Communities Act of 2010*, the Memorandum of Agreement (MOA) between the Metropolitan Police Department (MPD) and Secure Communities is attached. Please also note that, in light of the pending bill, on June 23, 2010, I notified the Secure Community program that I was terminating the MOA effective immediately (see attached).

However, I still urge the Committee to oppose this legislation. Before the Council unanimously proposed this bill, we had the opportunity – in collaboration with the community – to be a national leader in structuring our participation in Secure Communities in a just and prudent manner before it is activated nationwide. I was actively working with the community to craft a narrowly-tailored program that respects the many diverse communities of the District, while ensuring that the Department was using all reasonable tools to safeguard those who visit, work, and reside in the District of Columbia. I still believe we have an opportunity to implement this initiative in a manner consistent with both principles before it is federally mandated. Therefore I respectfully request that your Committee vote against this legislation and instead focus on the more challenging task of working on a solution that best protects the residents of and visitors to the District.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

Cathy L. Lanier  
Chief of Police

cc: The Honorable Yvette Alexander  
The Honorable Muriel Bowser  
The Honorable Mary Cheh  
The Honorable Jack Evans

## **MEMORANDUM OF AGREEMENT**

### **BETWEEN**

#### **U.S. DEPARTMENT OF HOMELAND SECURITY IMMIGRATION AND CUSTOMS ENFORCEMENT**

**And**

#### **METROPOLITAN POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA**

### **I. PURPOSE**

The purpose of this Memorandum of Agreement (MOA) is to set forth the responsibilities of the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) and the District of Columbia Metropolitan Police Department (DCMPD) regarding implementation of the Secure Communities (SC) initiative related to biometric interoperability. SC is a comprehensive ICE initiative that focuses on the identification and removal of aliens who are convicted of a serious criminal offense and are subject to removal, including the utilization of advanced biometric and communications technology to share information among law enforcement agencies (LEAs) to identify, detain and remove from the United States aliens who have been convicted of a serious criminal offense and are subject to removal.

### **II. AUTHORITY**

Immigration and Nationality Act (INA) provisions regarding identification, detention, arrest and removal of aliens (8 USC §1226(c); 8 USC §1226(d); 8 USC §1226(e); 8 USC §1227(a) (2); and 8 USC §1228); the INA provision regarding liaison activities with internal security officers and data exchange (8 USC §1105); and FY 2008 DHS Appropriations Act (Pub. L. No. 110-161, 121 Stat. 1844, 2365 (2007)).

### **III. THE GOALS OF SECURE COMMUNITIES**

ICE is committed to improving community safety by transforming the manner in which the federal government cooperates with state and local LEAs to identify, detain and remove aliens convicted of a serious criminal offense. ICE utilizes advanced technology to improve information sharing among LEAs and will apply a risk-based methodology to focus resources.

To accomplish this goal, ICE leverages business and technical agreements between the DHS United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) Division Integrated

Automated Fingerprint Identification System (IAFIS). The combined biometric and communications technology is known as IDENT/IAFIS Interoperability.

For the purpose of SC, the DCMPD will continue to operate pursuant to the FBI CJIS Division's established policies and agreements. This MOA does not affect DC's existing relationship with the FBI CJIS Division. Rather, the MOA builds on and enhances that relationship. The DCMPD will not be responsible for determining an individual's immigration status or whether a particular conviction renders an individual removable pursuant to the INA.

- A. The SC initiative focuses on three objectives:
  - i. Identify aliens in federal, state and local custody charged with or convicted of a serious criminal offense who are subject to removal and those aliens who have prior convictions for serious criminal offenses and are subject to removal who are currently at large;
  - ii. Prioritize enforcement actions to ensure apprehension and removal of aliens convicted of serious criminal offenses; and,
  - iii. Transform criminal alien enforcement processes and systems to achieve lasting results.
  
- B. ICE will employ a risk-based approach to identify aliens charged with or convicted of a serious criminal offense and incarcerated in jails and prisons throughout the United States who are eligible for removal based on the severity of their offenses. The risk basis for determining the threat to community safety relies on a three-level hierarchy of aggravated felonies and other serious offenses. Appendix A contains a description of the state and federal criminal offenses that comprise Levels 1, 2 and 3.
  - i. This approach will build on the ICE Criminal Alien Program (CAP), which is currently in use in all federal and state prisons.
  - ii. The SC risk-based approach classifies aliens convicted of a criminal offense into three levels, starting with those who present the greatest threat:

**Level 1:** Individuals who have been convicted of major drug offenses, national security crimes, and violent crimes such as murder, manslaughter, rape, robbery and kidnapping;

**Level 2:** Individuals who have been convicted of minor drug and property offenses such as burglary, larceny, fraud and money laundering; and

**Level 3:** Individuals who have been convicted of other offenses.

- iii. ICE is committed to identifying aliens convicted of serious criminal offenses who are subject to removal in all three category levels, with a priority assigned on the basis of risk to individuals convicted of Level 1 offenses. ICE continues to exercise discretion through its field offices in taking enforcement action in cases of aliens convicted of Level 2 and 3 offenses as each situation demands. At no time shall this MOA be construed to limit the discretion of ICE in managing detention resources.
- C. To facilitate the goals of SC, ICE is partnering with DHS components, including U.S. Citizenship and Immigration Services (USCIS), Customs and Border Protection (CBP) and the US-VISIT Program. ICE federal interagency partners include the Department of State, Department of Justice (DOJ), Bureau of Prisons, Executive Office for Immigration Review, Executive Office of United States Attorneys, U.S. Marshals Service and FBI CJIS Division. Appendix B contains acronyms and abbreviations frequently used in the SC initiative.

#### **IV. DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT (DCMPD) RESPONSIBILITIES**

- A. The DCMPD responsibility under this MOA begins when the LEA submits a Criminal Answer Required (CAR) request, as appropriate according to CJIS procedure, to the DCMPD. The DCMPD will then electronically send the fingerprints to the FBI CJIS Division. Receipt of the CAR will initiate a search of both IAFIS and US-VISIT IDENT. However, National Fingerprint File (NFF) states send fingerprints to the FBI CJIS Division only at the time of the initial arrest. Second or subsequent criminal bookings in the NFF states result in a Criminal Print Ident (CPI) file maintenance message to the FBI CJIS Division. In the case of a subsequent arrest for a National Fingerprint File (NFF) state, SIB will forward a CPI file maintenance message instead of a CAR to FBI CJIS Division. There is no change in IAFIS processing.
- B. If there is a match in IDENT, CJIS transmits the search results in a joint IDENT Data Response (IDR) and Immigration Alien Response (IAR) to the DCMPD. The DCMPD will in turn relay that response to the local LEA unless the DCMPD does not have the technical capability to do so. A “no match IDR” will be generated when a match is not found in IDENT.

#### **V. ICE RESPONSIBILITIES**

ICE will prioritize the processing of aliens convicted of Level 1 offenses. ICE will detain and seek to remove Level 1 offenders after the completion of the individual’s sentence. For those aliens who have prior Level 1 convictions that are discovered during the booking process, ICE will initiate steps to take such

individuals into custody for removal based on their prior Level 1 conviction(s) as well as current charges, once the charges have been adjudicated.

- A. Once fingerprint information is received by IAFIS, it will be cross-checked against the DHS US-VISIT IDENT system.
- B. Upon receipt of an Immigration Alien Query (IAQ) from the FBI CJIS Division that there has been a match with the subject's fingerprint in IDENT, ICE Law Enforcement Support Center (LESC) will conduct an immigration status determination.
- C. When an alien is identified as having prior Level 1 convictions and is subject to removal or is currently charged with a Level 1 offense and is subject to removal, ICE will take the alien into custody after completion of the individual's sentence or when released from local custody and will institute removal proceedings, as necessary.
- D. ICE will rely on establishing in the field a "24/7" IDENT/IAFIS Interoperability response capability and may utilize video conferencing (VTC) to streamline the process of identifying and removing aliens convicted of a serious criminal offense.

## **VI. PERIOD OF AGREEMENT**

This MOA shall be effective upon signing by both parties and will remain in effect until terminated by either party in accordance with the Section (below): MODIFICATIONS AND TERMINATION.

## **VII. DISPUTE RESOLUTION**

The parties agree that, should any disagreements arise as a result of this MOA, the first attempt at resolution shall occur at the program office level with the area(s) of disagreement reduced to writing and submitted to the appropriate program office point of contact (POC). If a resolution cannot be reached at this level, the disagreement will be raised to the agency level in accordance with component procedures.

## **VIII. MODIFICATIONS AND TERMINATION**

This MOA may be modified at any time by mutual written consent of both parties.

This MOA will remain in effect from the date of signing until it is terminated by either party. Either party, upon 30 days written notice to the other party, may terminate the MOA at any time. A termination notice shall be delivered personally or by certified or registered mail and termination shall take effect 30 days after receipt of such notice.

Either party, upon written or oral notice to the other party, may temporarily suspend activities under this MOA when resource constraints or competing priorities necessitate. Notice of termination or suspension by ICE shall be given to the SIB POC. Notice of termination or suspension by the SIB shall be given to the ICE POC. The temporary suspension of activities will take effect immediately upon receipt of such notice.

Use of IDENT/IAFIS for the purposes of racial and/or ethnic profiling or other activity in violation of the Fourth Amendment of the United States Constitution is not permitted and may result in the suspension of the local jurisdiction engaged in the improper activity. ICE reserves the right to take appropriate remedial action if necessary.

#### **IX. COSTS AND EXPENDITURES**

Parties to this MOA are responsible for their own costs associated with carrying out activities under this MOA. Nothing in this MOA is intended to imply that either Congress or state or local legislatures will appropriate funding for activities under this MOA.

#### **X. RELEASE OF INFORMATION TO THE MEDIA AND OTHER THIRD PARTIES**

SIB may, at its discretion, communicate the substance of this MOA to law enforcement professional organizations expressing an interest in the law enforcement activities to be engaged in under this MOA. It is ICE practice to provide a copy of this MOA to requesting media outlets only after both parties have signed the MOA. Local LEAs are authorized to do the same. However, the release of statistical information regarding the SC initiative will be coordinated with the ICE Public Affairs Office POC identified in Appendix D.

SIB hereby agrees, to the extent authorized by law, to coordinate with ICE regarding information to be released to the media regarding actions taken under this MOA. The POCs for ICE and the SIB for this purpose are identified in Appendix C.

#### **XI. SUMMARY OF ICE AND DCMPD RESPONSIBILITIES**

This MOA does not, nor is it intended to, nor shall be construed to create any rights, substantive or procedural, enforceable at law by any person in any matter, civil or criminal.

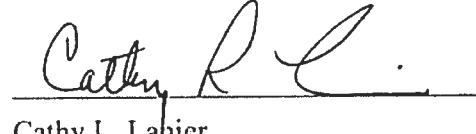
By signing this MOA, each party represents it is fully authorized to enter into this MOA and accepts the terms, responsibilities, obligations and limitations of this MOA.

Date: 11-6-2009



Marc A. Rapp  
Acting Director, Secure Communities  
Immigration and Customs Enforcement

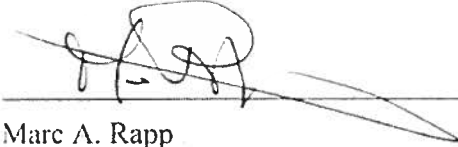
Date: 11-5-09



Cathy L. Lahier  
Chief, Metropolitan Police Department  
of the District of Columbia

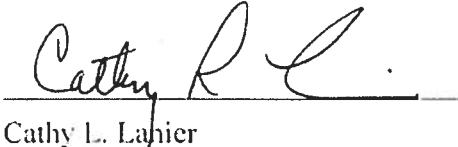
By signing this MOA, each party represents it is fully authorized to enter into this MOA and accepts the terms, responsibilities, obligations and limitations of this MOA.

Date: 11.6.2009

A handwritten signature in black ink, appearing to be 'M. Rapp', written over a horizontal line.

Marc A. Rapp  
Acting Director, Secure Communities  
Immigration and Customs Enforcement

Date: 11-5-09

A handwritten signature in black ink, appearing to be 'Cathy L. Lahier', written over a horizontal line.

Cathy L. Lahier  
Chief, Metropolitan Police Department  
of the District of Columbia

**APPENDIX A**

***Secure Communities Levels and Offense Categories by NCIC Code***

<b>Level 1 Crimes (NCIC Code)</b>	<b>Level 2 Crimes (NCIC Code)</b>	<b>Level 3 Crimes (NCIC Code)</b>
National Security* (0101-0199, 1602, 5204-5299)	Arson (2001-2099)	Military (0201, 2099)
Homicide (0901-0999)	Burglary (2201-2299)	Immigration (0301-0399)
Kidnapping (1001-1099)	Larceny (2301-2399)	Extortion (2102-2199)
Sexual Assault (1101-1199)	Stolen Vehicles (2401-2411, 2499)	Damage Property (2901-2903)
Robbery (1201-1299)	Forgery (2501-2599)	Family Offenses (3801, 3804-3899)
Aggravated Assault (1301-1399)	Fraud (2601-2699)	Gambling (3901-3999)
Threats (1601)	Embezzlement (2701-2799)	Commercialized Sex Offenses (4001-4099)
Extortion –Threat to Injure Person (2101)	Stolen Property (2801-2899)	Liquor (4101-4199)
Sex Offenses (3601-3699)	Damage Property w/Explosive (2904-2906)	Obstructing the Police (4802-4899)
Cruelty Toward Child, Wife (3802, 3803)	Traffic Offenses (5402-5499)	Bribery (5101-5199)
Resisting an Officer (4801)	Smuggling (5801-5899)	Health and Safety (5501-5599)
Weapon (5201-5203)	Money Laundering (6300)	Civil Rights (5699)
Hit and Run (5401)	Property Crimes (7199)	Invasion of Privacy (5701-5799)
Drugs (Sentence >1 year)	Drugs (Sentence < 1 year)	Elections Laws (5999)
		Conservation (6201-6299)
		Public Order Crimes (7399)

**\*National Security** violations include the NCIC coded offenses of Sabotage, Sediton, Espionage and Treason (0101-0199); Terrorist Threats (1602); and Weapons, Arson/Incendiary Devices and Bombing offenses (5204-5299).

## APPENDIX B

### *Acronyms and Abbreviations*

Acronym/Abbreviation	Definition
CAP	Criminal Alien Program
CAR	Criminal Answer Required
CJIS	Criminal Justice Information Services
CPI	Criminal Print Identification
DHS	Department of Homeland Security
DOJ	Department of Justice
DRO	Detention and Removal Operations
FAQ	Frequently Asked Questions
FBI	Federal Bureau of Investigation
IAFIS	Integrated Automated Fingerprint Identification System
IAQ	Immigration Alien Query
IAR	Immigration Alien Response
ICE	Immigration and Customs Enforcement
IDENT	US-VISIT Automated Biometric Identification System
IDR	IDENT Data Response
LEA	Law Enforcement Agency
LESC	Law Enforcement Support Center
MOA	Memorandum of Agreement
OI	Office of Investigations
ORI	Originating Agency Identifier
POC	Point of Contact
SC	Secure Communities
SIB	State Identification Bureau
SOP	Standard Operating Procedures
US-VISIT	United States Visitor and Immigrant Status Indicator Technology

## APPENDIX C

### *Points of Contact*

The ICE and SIB points of contact for purposes of implementation of this MOA are:

#### **For the SIB:**

Mrs. Linda Bateman  
Manager  
Fingerprint Analysis Branch  
Firearms and Toolmark Examination Division  
Metropolitan Police Department  
300 Indiana Avenue, NW  
Room 4056  
Washington, DC 20001  
(202) 727-5754  
(202) 727-0580 Fax  
linda.bateman@dc.gov

#### **For ICE Detention and Removal Operations (DRO):**

Leonard Desanti  
Acting Field Office Director  
Detention and Removal Operations  
2675 Prosperity Avenue  
Fairfax, VA 22031  
(703) 285-6301  
lvdesant@fins3.dhs.gov

#### **For ICE Office of Investigations (OI):**

James Dinkins  
2675 Prosperity Avenue  
Fairfax, VA 22031  
(703) 285-6700  
james.dinkins@dhs.gov

## **APPENDIX D**

### ***Public Information Points of Contact***

Pursuant to Section X. of this MOA, RELEASE OF INFORMATION TO THE MEDIA AND OTHER THIRD PARTIES, the signatories will coordinate with the ICE Public Affairs Office regarding release of any information about Secure Communities and/or IDENT/IAFIS Interoperability and agree to coordinate appropriate release of subsequent information to the media regarding actions taken under this MOA. The points of contact for coordinating such activities are:

#### **For the SIB:**

Miss Karen A. Wiggins  
Executive Director  
Firearms and Toolmark Examination Division  
Metropolitan Police Department  
300 Indiana Avenue, NW  
Room 1046  
Washington, DC 20001  
(202) 727-4416  
(202) 724-3842 Fax  
karen.wiggins@dc.gov

#### **For ICE:**

Cori Bassett  
Immigration and Customs Enforcement  
500 12th Street, SW  
Washington, DC 20024  
(202) 732-4228  
cori.bassett@dhs.gov



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
METROPOLITAN POLICE DEPARTMENT**

JUN 23 2010

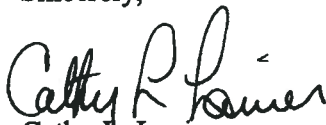
Mr. David J. Venturella  
Executive Director  
Secure Communities  
Immigration and Customs Enforcement  
Washington, DC 20536

Dear Mr. Venturella:

As outlined in Section VIII of the Secure Communities Memorandum of Agreement between the U.S. Department of Homeland Security, Immigration and Customs Enforcement and the Metropolitan Police Department, Washington, D.C., I am writing to respectfully inform you that we must formally terminate the Memorandum of Agreement due to pending legislative action being taken by the District of Columbia City Council.

It should be noted that although the Memorandum of Agreement was signed in November of 2009, the Secure Communities program was never activated. Thank you for your patience and assistance as we attempted to craft a unique Secure Communities program in the District of Columbia; however, we are unable to move forward with implementation in any form at this time.

Sincerely,

  
Cathy L. Lanier  
Chief of Police

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**Government of the District of Columbia**



**Metropolitan Police Department**

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Testimony of  
**Peter Newsham**  
**Assistant Chief of Police**

Public Hearing on the  
*Secure Communities Act*

Committee on Public Safety & the Judiciary  
Phil Mendelson, Chair  
Council of the District of Columbia  
July 12, 2010

Council Chamber  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

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Good afternoon, Chairman Mendelson, members of the Committee, and guests. I appreciate this opportunity to discuss with you the proposed legislation related to the federal Secure Communities initiative.

The Secure Communities program is a United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) initiative that focuses federal resources on identifying and removing high-risk criminal aliens held in state and local prisons through the use of technology and information sharing among law enforcement agencies. The enhanced information sharing and expedient identification of wanted or dangerous individuals would aid in the efforts of the Metropolitan Police Department (MPD) to safeguard our neighborhoods, as well as the many critical institutions in the nation's capital.

When the Department of Homeland Security approached MPD about Secure Communities, the Chief felt she had a responsibility to explore it because it is her job to evaluate all options to safeguard residents of and visitors to the District. Not only could the program help remove serious criminals from our streets, but law enforcement members across the nation who know the communities they serve are in the best position to detect and investigate criminal activity that might be connected to terrorism, and potentially avert a terrorist incident. The program closes a large gap in the information sharing environment of law enforcement, a vulnerability outlined in great detail by the 911 Commission, thus the federal mandate for complete interoperability between the FBI and ICE databases. As a result, the federal government will implement Secure Communities nationwide by 2013.

Already, as of June 29, over 400 jurisdictions throughout the country have implemented the program, including Prince George's, Frederick, Queen Anne's, and St. Mary's counties in Maryland and the entire Commonwealth of Virginia. Some other notable participating jurisdictions include the areas of Boston, Philadelphia, Detroit, Dallas, Atlanta, Chicago, and all of Florida.

That said, the Chief recognized that the program presented some legitimate concerns, and therefore MPD - contrary to allegations we were secretly implementing the program - has explored this issue in a very open manner, with a public announcement and numerous meetings with the community. We had been proactively working to modify the federal program to meet the needs of the District prior the Council's introduction of this bill. The Chief also committed to notifying the community and the Council of any implementation at least 30 days in advance. As such, this legislation seems premature. It preempts the Department's ability to explore appropriate ways to safeguard our city with the participation of our community. Furthermore, the legislation could also have unintended consequences on our collaborative task force efforts and could even jeopardize certain criminal investigations.

Before I go into further detail as to the potential impact of this legislation, I would like to provide the details of our unique approach to the Secure Communities program and also clarify some of the main issues and concerns that have surrounded our exploration of the initiative.

First, Secure Communities has not been implemented in the District of Columbia. The Memorandum of Agreement was signed last November with the knowledge that it would take a

period of time to complete the technological requirements and other logistics, as well as allow appropriate time for us to discuss the program with members of the community. However, in light of this pending Council action, the Chief requested that the Agreement be voided and the formal request for unique safeguards be withdrawn.

The Secure Communities program is an information sharing program based on the interoperability developed between the databases of the Federal Bureau of Investigation (FBI) and Immigration and Customs Enforcement (ICE). To be clear, Secure Communities is **not** the 287(g) program that provides police officers with delegated authority to serve as immigration officers. Secure Communities does not allow participating police departments to enforce federal civil immigration laws. MPD's participation in this program would in no way change its longstanding policy strictly prohibiting officers from inquiring about citizenship or residency status for the purpose of determining whether an individual has violated civil immigration laws. Department members would not be involved in the identification of criminal aliens or the enforcement of civil immigration laws. There would be absolutely no change in the way officers serve or interact with the community.

If implemented, the program would allow the FBI to forward to ICE the fingerprint data that we collect from adults arrested in the District for certain offenses. The program does not apply to victims, witnesses, or other members of the community with whom we interact and encounter. Indeed, non-citizen victims and witnesses of certain criminal acts are afforded additional safeguards in the form of the U-Visa, which provides the individual with legal status and work eligibility in the United States.

In brief, MPD would submit the fingerprints of adult arrestees to the FBI, as we have always done, for a national criminal background check. Under the proposed Secure Communities initiative, the same information would be transmitted to ICE by the FBI. Although this basic process is the same for all participating jurisdictions, MPD had been working to carefully craft a unique program in DC that remains consistent with the principals of community policing. For example, while most other participating jurisdictions provide ICE with the fingerprints of individuals arrested for all offenses, MPD would exclude the fingerprints of all juveniles, as well as for individuals arrested for certain lesser offenses, such as traffic, vending, and disorderly charges. We were also working with the FBI and ICE to develop a mechanism to exclude the fingerprints of individuals arrested in misdemeanor domestic violence incidents. We had submitted a formal request for a filtering mechanism that would allow these fingerprints to still be sent to the FBI, but they would not be forwarded to ICE. However, due to this legislative action, the Chief has withdrawn this request. Of the more than 400 jurisdictions involved in this initiative, I believe MPD is the only agency that has undertaken such an extensive effort to ensure that the program does not inhibit the reporting of domestic violence.

Furthermore, the scope of our proposed participation in the program would have been limited to focus on the most dangerous, previously-convicted offenders. Our focus on violent offenders for the last three years has helped us to reduce violent crime, especially homicides. Properly constructed, Secure Communities, would be an effective part of that overall strategy. ICE had agreed that they would only act upon those individuals who were identified as criminal aliens with a previous conviction for a Level One offense: specifically those offenders who had been

previously convicted of homicide, rape, robbery, kidnapping, aggravated assault, weapons, as well as major drug crimes or those crimes involving threats to national security. We were also committed to continually monitoring the outcomes of the initiative to ensure they remained in line with our objectives, and we could withdraw from the program at any time if we found they were not.

Even if the District waits to implement Secure Communities until it is federally mandated, the ban on sharing arrest information with a federal law enforcement agency as is proposed in the legislation will impede – and could possibly jeopardize – important criminal investigations. Law enforcement agencies regularly share offenders’ arrest information as part of the investigative process, and as a result, cases are closed, offenders are held accountable, and future crimes are prevented.

This proposed legislation could very well have an unintended impact on our collaborative work on important law enforcement task forces, such as the High Intensity Drug Trafficking Areas (HIDTA) program and the Joint Terrorism Task Force (JTTF). MPD and ICE both have representatives on these task forces. In addition, we regularly reach out to federal agencies, including DHS and ICE, in support of criminal investigations; whether it’s determining if a wanted suspect has fled the country or investigating a legitimate terrorist threat. In all of these cases, the proposed legislation would forbid a basic function vital to our ongoing criminal investigations and national security protections.

In the end, the Chief has made it very clear that she was committed to addressing the concerns of the community before the Secure Communities program would have been put into operation in the District. Both she and members of the command staff have met with numerous community groups to hear and address concerns, and we continued to work with our federal partners to craft a custom program for DC. Recently, other jurisdictions and even the Major Cities Chiefs Association have followed in our footsteps and requested changes to the standard agreement that are identical to our carefully-crafted proposals.

In the last six months, the number of jurisdictions participating in Secure Communities has more than doubled to over 400, and by 2013 the program will be activated nationwide. Before the Council unanimously proposed this bill, we had the opportunity – in collaboration with the community – to structure our participation in Secure Communities in a just and prudent manner before it is activated nationwide. We were actively working with the community to craft a narrowly-tailored program that respects the many diverse communities of the District. We also recognize that we have an obligation to remain vigilant in our mission to safeguard all those who visit, work, and reside in the District of Columbia. We still believe we have an opportunity to implement this initiative in a manner consistent with both principles before it is federally mandated and therefore respectfully request that this Committee vote to table this legislation at this time. Instead, give us the opportunity to work with the community, the Council, our federal and regional partners, and other stakeholders, on a solution that best protects the residents of and visitors to the District. Thank you.