



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

SEP 8 2010

The Honorable Zoe Lofgren
Chairwoman
Subcommittee on Immigration, Citizenship, Refugees,
Border Security and International Law
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Madam Chairwoman:

This responds to your letter, dated July 27, 2010, to the Attorney General regarding the current deployment of the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) Secure Communities program.

In your letter, you specifically asked for "a clear explanation of how local law enforcement agencies may opt out of Secure Communities by having the fingerprints they collect and submit to the SIBs checked against criminal, but not immigration, databases." A local law enforcement agency that does not wish to participate in the Secure Communities deployment plan must formally notify the Assistant Director for the Secure Communities program at ICE and the appropriate state identification bureau (SIB). Formal notification may be by mail, facsimile, or e-mail. If an agency chooses not to activate in accordance with the Secure Communities deployment plan, the local law enforcement agency will be responsible for notifying ICE of suspected criminal aliens.

We hope this information is helpful. Please do not hesitate to contact this office if we may be of further assistance with this, or any other matter.

Sincerely,

Ronald Weich
Assistant Attorney General

cc: The Honorable Steve King
Ranking Member
Subcommittee on Immigration, Citizenship, Refugees,
Border Security and International Law

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



Homeland Security

September 7, 2010

The Honorable Zoe Lofgren
Chairwoman
Subcommittee on Immigration, Citizenship, Refugees,
Border Security, and International Law
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairwoman Lofgren:

Thank you for your July 27, 2010 letter in which you inquire how local law enforcement agencies can opt-out of the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) Secure Communities program. I appreciate you sharing your concerns regarding this matter and giving me the opportunity to clarify the criminal history information sharing aspect of the Secure Communities program.

ICE is currently implementing the Secure Communities strategy, which is a comprehensive plan to identify and remove criminal aliens from the United States. Secure Communities has developed a deployment plan that includes a risk-based approach to activate an automated information-sharing capability to search for criminal and immigration history records from biometrics (fingerprints) submitted by local law enforcement agencies. This plan allows ICE to build the necessary infrastructure to process and prioritize leads generated by this capability. Today, local law enforcement agencies participating in the Secure Communities program submit fingerprints through the appropriate state identification bureau to the Federal Bureau of Investigation and then to ICE. ICE then determines and initiates appropriate immigration enforcement actions in accord with the agency's stated priorities.

A local law enforcement agency that does not wish to participate in the Secure Communities deployment plan must formally notify the Assistant Director for the Secure Communities program, David Venturella, who can be reached at (202) 732-4519. The agency must also notify the appropriate state identification bureau by mail, facsimile, or e-mail. If a local law enforcement agency chooses not to be activated in the Secure Communities deployment plan, it will be the responsibility of that agency to notify its local ICE field office of suspected criminal aliens.

The Honorable Zoe Lofgren
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Again thank you for your letter. I look forward to working with you on this and other homeland security issues. Should you need additional assistance, please do not hesitate to contact me at (202) 282-8203.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano". The signature is fluid and cursive, with a long horizontal stroke at the end.

Janet Napolitano

cc: The Honorable Eric H. Holder, Jr., Attorney General