

May 21, 2010

Supervisor Mark Church, First District, San Mateo County
Supervisor Carole Groom, Second District, San Mateo County
Supervisor Richard S. Gordon, Third District, San Mateo County
Supervisor Rose Jacobs Gibson, Fourth District, San Mateo County
Supervisor Adrienne Tissier, Fifth District, San Mateo County
Sheriff Greg Munks, San Mateo County

Dear Honorable Supervisors and Sheriff of San Mateo County,

We represent organizations that work with and provide services to immigrant communities in the County of San Mateo. On Tuesday, May 25, 2010, the Secure Communities Program ("SCOMM"), a federal immigration initiative, which will automatically send the fingerprints of arrested individuals taken by local law enforcement officials to the Department of Homeland Security (DHS) immigration database, is scheduled to go live in our County.

We are asking that you, as the elected leaders of San Mateo County, take a stance to opt out of this program or at the very least, postpone the implementation of SCOMM in our County until further research and significant community input is considered on the potential serious impacts of the program on our County.

We have serious concerns about the implementation of this program. We believe that it will be destructive and harmful to thousands of families in our county, and to the well-being of our county as a whole. SCOMM has already raised concerns nationally and in other communities in California where it has been implemented. Specifically:

- While framed as targeting the "most serious offenders", or those who commit level one crimes, the vast majority of those identified under the program are people arrested for minor violations and low-level misdemeanor offenses. During its first year, DHS reported that it "identified more than 111,000 criminal aliens in local custody," but, approximately 100,000 of those individuals were charged or convicted of level 2 and 3 crimes, which includes property crimes and traffic offenses such as driving without a license.
- If there is a "hit" in an immigration database, Immigration and Customs Enforcement (ICE) is automatically notified, even if the person has not been convicted of any criminal act and is later proved to be innocent.
- This program endangers victims of crime, particularly survivors of domestic violence who can be arrested along with their abusers, and who already fear reporting crimes. If SCOMM is implemented, many of these victims simply will not risk deportation in order to report a crime, endangering the entire community.
- SCOMM sets the stage for racial profiling. Very much like Arizona's SB 1070, as the program is currently designed, a police officer can make a pre-textual arrest and later drop the charges, but an individual could still be placed into deportation proceedings.
- The program does not address the real propensity for error where US citizens and Legal Permanent Residents are tagged by the system. Where SCOMM is currently implemented, an alarming 5% of those identified were US Citizens. These unlawful ICE detainers could result in expensive lawsuits for our County.
- While the perception among law enforcement is that this program is mandatory, it is, on the contrary, optional. At an SCOMM briefing presented by the David Venturella, Executive Director and Mark Rapp, Deputy Director of the Office of SCOMM on April 29, 2009 in Washington D.C., it was said that states and localities can decline to participate and that local law enforcement agencies own the fingerprints they take from those who are arrested. DHS cannot demand that they share those fingerprints. If the program was mandatory, it would raise serious concerns under the Tenth Amendment, the anti-commandeering doctrine. The

program has many hidden costs to localities that the federal government simply cannot mandatorily impose.

Based on these concerns we have some initial questions about implementation of SCOMM in San Mateo County:

1. How will the SCOMM program make San Mateo County safer and not undermine any existing community policing efforts such as those established in the City of East Palo Alto by Chief Ronald Davis?
2. How will you protect domestic violence victims and other crime victims from immigration enforcement?
3. How will you ensure that incidents of racial profiling do not increase as a result of the program? What mechanisms would you put in place to track that?
4. How will you ensure that persons are not mistakenly referred to immigration authorities due to errors in the immigration databases, thus protecting the County against any potential liability?
5. Does the County have the resources to detain more persons and for longer periods of time in the local jail as a result of participation the program?

As community members and advocates for justice, we stand with each other in opposition to this program. We feel that SCOMM does nothing to promote the "secure community" it promises. On the contrary, we believe it will increase distrust between community and law enforcement, and foster fear and apprehension among our residents. We strongly urge you, our elected leaders, to take a strong stance and opt out of this program, or, in the alternative, postpone implementation until further research and significant community input is considered.

Thank you very much for your consideration.

Sincerely,

ACLU of Northern California
ALIADI Alianza Latinoamericana por los Derechos de los Inmigrantes
Comite de Padres Unidos, Redwood City
Community Legal Services in East Palo Alto
East Palo Alto Council of Tenants
El Buen Pastor Episcopal Church, Redwood City
Episcopal Diocese of California, Migration and Immigration Task Force
Fair Rent Coalition, East Palo Alto
For Youth By Youth
Immigrant Legal Resource Center
International Institute of the Bay Area, Redwood City
Legal Aid Society of San Mateo County
Movimiento Por Una Anmestia Incondicional (MUAI)
Peninsula Interfaith Action
Project WeHOPE
Saint Samuel Church of God in Christ, East Palo Alto
San Mateo County Private Defender Program
Silicon Valley De-Bug
Ujima Security Council, East Palo Alto
Youth United for Community Action