

Toolkit for Action:

Stop Secure Communities in New York

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Action Materials

Estimado Gobernador Paterson y Fiscal Cuomo,

Porque No Queremos ICE en Nueva York:

- La ejecución agresiva de leyes de inmigración injustas por ICE esta resultando en deportaciones masivas, las cuales están desgarrando nuestras comunidades.
- Por programas como Comunidades Seguras, Delincuentes Extranjeros, y 287(g) —donde departamentos de seguridad locales colaboran con ICE—el sistema de justicia criminal es cada vez mas usado como una emboscada para deportar inmigrantes. Combinado con leyes duras de inmigración del 1996—cuando el Congreso amplio el motivo por lo cual uno puede ser deportado mientras negó a inmigrantes sus días de justicia en la corte—ha causado esta crisis de deportación. Solamente en el 2009, ICE deporto 389,000 personas, mas de 8 veces la cantidad en 1995.
- Nueva York no puede tolerar que sus residentes sean arrancados de sus casas y comunidades. Los oficiales del estado de Nueva York tienen el poder —y la obligación—de proteger sus inmigrantes y de parar la colaboración entre los departamentos de seguridad local e ICE que destruyen nuestras familias.

Por estas razones pedimos que el estado de Nueva York revoque inmediatamente el contrato con ICE aprobando el programa de Comunidades Seguras—en la cual departamentos de seguridad locales mandan huellas digitales de los arrestados al Departamento de Seguridad Interior—y terminar participación en todos los programas de ICE ACCESS.

NOMBRE	DIRECCION	NUMERO DE TELEFONO	CONGREGACION/ ESCUELA/GRUPO

[15 por página]

Fecha: _____

Sample Op-Ed

For too long, deportations have torn apart families and communities. Now Immigration and Customs Enforcement (ICE) won't be satisfied until it causes utter and complete devastation. And ICE's next target is New York State.

On May 18, 2010, Governor Paterson signed an agreement to bring a mass deportation program called "Secure Communities" to New York – with absolutely no public notice or input. The Secure Communities Program ensures that everyone's fingerprints taken at police stations would be automatically run through immigration databases. ICE then transfers whoever they think might be "deportable" straight into the detention and deportation system.

These programs also strip immigrants – and, ultimately, all of us – of their due process rights. Immigrants who are targeted by ICE get treated differently from US Citizens even in their own criminal proceedings because these programs often make things like posting bail and getting treatment impossible. As a result, immigrants don't get the help they need and end up spending more time in jail than non-immigrants.

In New York, a coalition comprised of legal, social justice, immigrant, domestic violence, labor and LGBT organizations, has been working tirelessly to educate communities about what this program is and how it works. One thing is clear, though: we don't want Secure Communities in New York State. Contrary to what its name suggests, Secure Communities and its brethren (including the Criminal Alien Program that already operates in Rikers Island and upstate prisons) end up jeopardizing our safety by effectively turning the police into immigration agents. Under the fear of deportation, crimes will not be reported and communities will not cooperate with police – at the detriment to everyone's safety.

ICE likes to claim that Secure Communities is better than its former mutations because it doesn't target certain groups since everyone gets screened. But that's just more false propaganda. Recent studies have demonstrated that Secure Communities does in fact encourage the police to make pretextual arrests, knowing that many immigrants will get thrown into deportation as a result of their arrests, no matter what eventually happens in their criminal cases.

There's still a lot to learn about Secure Communities and its planned implementation. But what we already know gives us plenty of ground to stand up firm against it. This program is being used to funnel people into a deportation system where we all know immigrants don't stand a chance. Even the most resourceful of us would have an exceedingly hard time fighting deportation while being locked up in remote detention centers thousands of miles away without lawyers or loved ones or other resources to help.

Governor Paterson himself recognizes that the immigration system is unjust. That's why he created a pardon panel specifically designed to address convictions that make people deportable. It's also why we're completely baffled about his reasons for signing onto the program – and for forcing New York taxpayers and local jurisdictions to foot the enormous bill of detaining immigrants for deportations and the corresponding liabilities incurred, especially given current budget deficits.

We should all be ashamed that this has happened in New York, where we've always been proud of immigrant heritage. We join our communities in demanding that the Governor suspend the agreement with ICE until he gives communities a chance to have meaningful input. We cannot stand for any less.

Background Materials

WHY WE DON'T WANT ICE IN NY STATE

Our country faces a crisis of mass detentions and deportations that violates our notions of fairness and justice. Through programs such as Secure Communities (S-Comm), the Criminal Alien Program, and 287(g), Immigration and Customs Enforcement is colluding with local law enforcement to use the criminal justice system as a dragnet to deport immigrants. Between 1995 and 2009, the number of immigrants thrown into our deportation system increased more than eightfold. Often sent to remote detention centers, most immigrants are forced to defend themselves without loved ones, information, or even lawyers to help them navigate the deportation process. Meanwhile, their families and communities are deprived of support systems and breadwinners. New York should not tolerate its residents getting unjustly taken from their homes and communities. New York State government officials have the power—and the obligation—to protect immigrants in the state and to stop these destructive ICE programs.

S-Comm is inefficient, costly, and unworkable.

- **It would impose hefty costs on our state and localities.** Even according to federal officials, S-Comm would “dramatically increase” the number of people held in jail for additional time to facilitate deportation. But the program provides no additional federal funding to state or local entities for the increased costs.
- **It exposes NY government officials to liability and costly litigation expenses.** S-Comm does not afford sufficient protections or oversight, and the federal fingerprint database is known to have errors. But NY state and local officials, not federal officials, face significant liability for any wrongful detentions and deportations of people including U.S. citizens and lawful permanent residents. NYC recently paid \$145,000 to settle one such violation. This money will not be reimbursed by the federal government.

S-Comm threatens our safety and divides our communities.

- **It undermines the safety of our communities.** When community members are afraid that interaction with local police might lead to deportation for themselves or a loved one, they are less likely to report crimes or cooperate as witnesses. This makes it harder for police to investigate crimes and erodes the faith of many communities in our promise of providing due process.

S-Comm violates due process and other protections.

- **It funnels immigrants into a deportation system that denies them the right to a fair hearing.** S-Comm will lead to the automatic deportation of many people who have minor criminal violations, who paid their debt to society, and who contribute to their families and to our state. Immigration judges are denied the ability to consider the facts of each case and, in some instances, people in the system are denied the right to appear before a judge at all.
- **It encourages racial profiling.** Under S-Comm, police may have an incentive to arrest anyone who appears to be undocumented, based on race or ethnicity. Relying on appearances and stereotypes to make decisions about who to arrest violates the right to freedom from discrimination that we all hold.
- **It bolsters a dual system of justice.** In NY State, immigrants are our co-workers, our neighbors, our family, and our friends. Yet S-Comm encourages a two-tiered system of justice, in which some New Yorkers are routinely denied bail, jailed for longer periods, and disqualified from alternative release programs. That unfair and short-sighted approach hurts whole families and neighborhoods across our state.

NY Must Uphold Its Commitment to Due Process and Fair Treatment by:

- **Rescinding NY's S-Comm Memorandum of Agreement (MOA),** which was signed on May 18, 2010, between the NY State Division of Criminal Justice Services and ICE. NY government officials can follow the example of Washington, D.C., which rescinded its S-Comm MOA on June 23, 2010, after receiving public input on the program. For a copy of the MOA signed between ICE and NY State, see http://www.ice.gov/doclib/foia/secure_communities-moa/r_new_york.pdf.
- **Stopping the activation of S-Comm immediately.** Given the broad reach and grave consequences of this program, New Yorkers deserve an opportunity for meaningful public input and debate, along with the implementation of safeguards and accountability mechanisms to ensure that S-Comm will not endanger our communities, violate our rights, and divert state financial resources.

ICE ACCESS & S-COMM

ICE ACCESS

Immigration and Customs Enforcement's Agreements of Cooperation in Communities to Enhance Safety and Security (ICE ACCESS) is a suite of programs designed to get city, county, and state law enforcement to help ICE deport immigrants. FY 2010 funding for ICE ACCESS is nearly \$1.5 billion.

ICE ACCESS programs include:

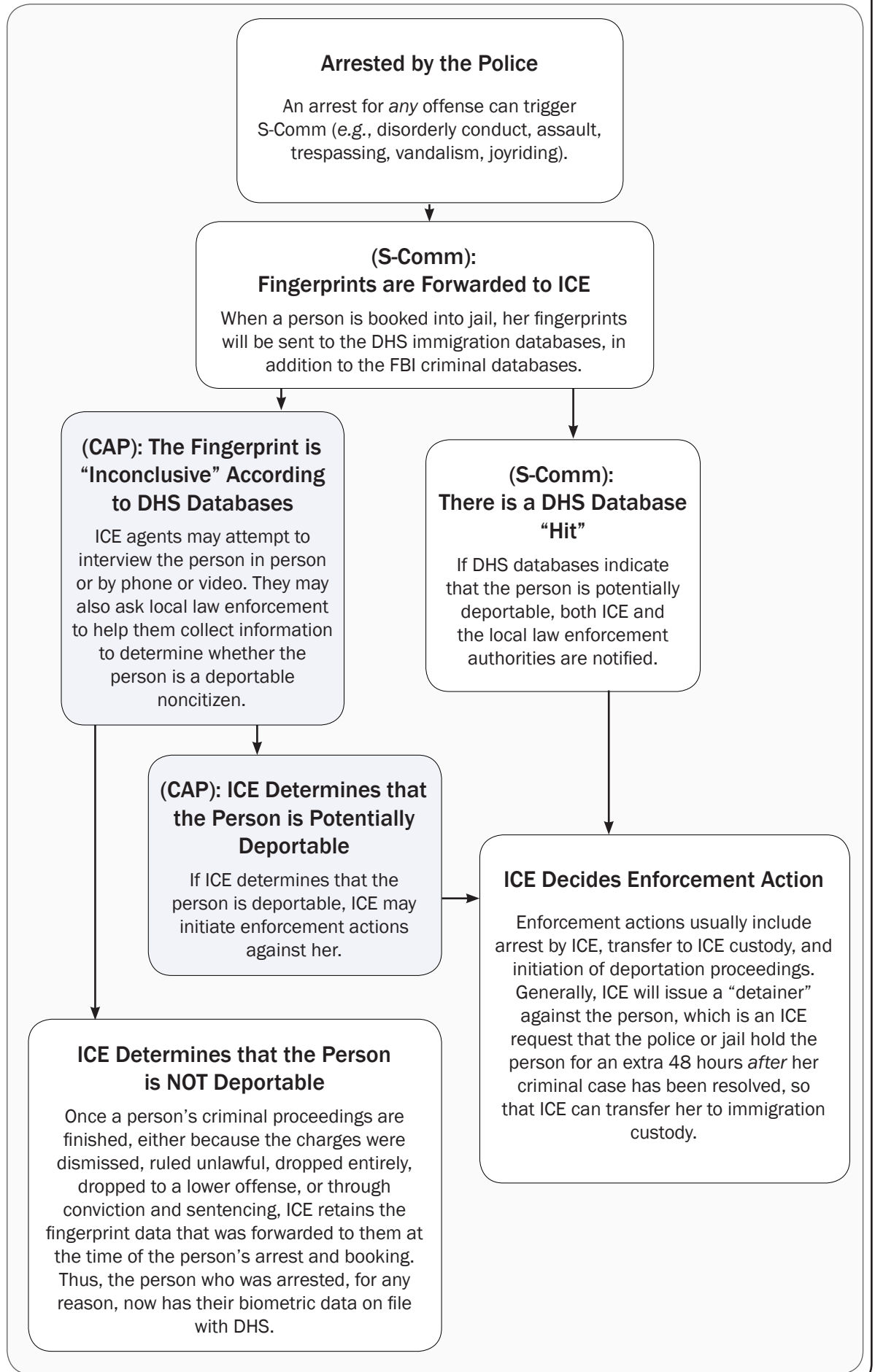
Criminal Alien Program (CAP): ICE agents are deployed to jails and prisons to get information about potential noncitizens to transfer them to immigration detention for deportation proceedings. In the past three years, over half a million people have been flagged for deportation through CAP.

Secure Communities (S-Comm): Fingerprints taken by local law enforcement are automatically run when processing arrest through immigration databases. This provides ICE a constant presence at police stations. S-Comm is now active in more than 630 jurisdictions across the country.

287(g): ICE enters into agreements with local law enforcement to allow police to act as immigration officers. More than 70 287(g) agreements have been signed across the country.

How did NYS agree to S-Comm?

Without seeking public input, the NY State Division of Criminal Justice Services entered into a Memorandum of Agreement (MOA) with ICE on May 18, 2010. If the signed MOA is not rescinded, many law enforcement officials in NY State will be required to participate in S-Comm, even if they find it inefficient, too costly, or unworkable.



“SECURE COMMUNITIES” ADVOCACY POINTS OF UNITY

Demand: NY State must immediately rescind the S-Comm Memorandum of Agreement.

What to Say About S-Comm

- S-Comm **automatically checks fingerprints** of every arrested person taken at booking against immigration databases
 - Based on these database checks, Immigration and Customs Enforcement (ICE) then transfers people suspected of being deportable straight into the detention and deportation system from the criminal justice system
 - In the deportation system, people are often sent far away to remote detention centers— with **no loved ones or even lawyers to help defend against deportation**
- New York’s Division of Criminal Justice Services (DCJS) signed a Memorandum of Agreement (MOA) with ICE on May 18, 2010 with **no public input**.
- S-Comm and other collaborations between ICE and local police:
 - **Jeopardize our safety** by creating a climate of mistrust between communities and law enforcement and encouraging immigrants both to not report crimes and to not cooperate.
 - **Offend values of liberty, due process, and justice** by forcing immigrants to get treated differently from US Citizens in criminal proceedings and funneling people into the unjust deportation system where they have no “fair day in court”
 - **Encourage racial profiling** by giving the police incentives to make pretextual arrests in order to transfer people into deportation
 - **Impose significant costs** on our localities by forcing them to absorb costs of mass incarcerations
 - Force local taxpayers to fund the costs of illegal detentions and deportations
- ICE is an agency that offers **no accountability**. All **liabilities fall on local governments and local law enforcement agencies**
 - There is **no recourse available** to people whose rights are violated
- People who get caught in the S-Comm have already “**paid their debt to society**”
 - Deportation strips away family and community **support systems and breadwinners**
- New Yorkers deserve a chance to have **meaningful input and debate** to ensure that S-Comm will not **endanger our communities, violate our rights, and divert scarce resources**

What NOT to Say or Focus Unduly On and Why

- We should NOT say it is OK to deport “dangerous or violent criminals”
 - **Deportation is not the answer** for people in the criminal justice system
 - Deportation **should not come as a second punishment** to those who have done their time

New York State Working Group Against Deportation

- Our goal is to bring attention to how **unjust the detention and deportation system is** overall. We undermine our work by advocating for the deportation of any particular group
- Our work on S-Comm is just one part of our **broader work to change immigration laws** to stop deportations. We need immigration reform that provides all, not just some, immigrants an opportunity to live lawfully in the US and that, at a minimum, gives immigrants a fair day in court
- We should NOT criticize S-Comm primarily because innocent people or low-level offenders make up the majority of those swept into S-Comm
 - Our immigrant communities **shouldn't be divided into the "deserving" and "undeserving"** to be deported
 - We are **not fighting for S-Comm to work efficiently**—i.e., to do what ICE says it's supposed to be doing (catching the "dangerous criminals")—but rather to put an end to the collaborations between local law enforcement agencies and ICE that are tearing apart families
- We should NOT emphasize that S-Comm is problematic because of its potential for errors—for example, that green card holders (aka lawful permanent residents) without convictions and US Citizens get caught up in S-Comm
 - We **don't want to privilege certain groups** over others
 - Again, we are not fighting for S-Comm to work efficiently and according to ICE's stated goals
- We should NOT call for increased policing by local law enforcement
 - Many immigrant communities are already **overly targeted** by the police
- We should NOT call for "comprehensive immigration reform" to solve immigration problems
 - We need reform, but **current CIR proposals increase deportations, and include ratcheting up S-Comm** and similar programs
 - We need immigration reform that provides all, not just some, immigrants an opportunity to live lawfully in the US and that, at a minimum, gives immigrants a fair day in court

October 20, 2010

Honorable David Paterson, Governor
State of New York
State Capitol
Albany, NY 12224

Dear Governor Paterson,

We are a coalition of domestic violence, workers' rights, immigrants' rights, legal service providers, and labor and civil rights organizations. We write to express our shock and disappointment at learning that the Division of Criminal Justice Services signed a Memorandum of Agreement (MOA) with Immigration and Customs Enforcement (ICE) regarding Secure Communities (S-Comm) on May 18, 2010. We write to ask that you **immediately rescind the MOA and cease implementation of S-Comm** as this program raises grave concerns for community safety, civil rights, due process and fiscal liability, among others.

Under S-Comm, all law enforcement agencies in the state are required to automatically forward the fingerprints of every arrested person (including U.S. Citizens and lawful permanent residents or "green card holders") to federal immigration databases. Based on unreliable and incomplete information, ICE then transfers people suspected of being deportable directly into the detention and deportation system, separating them from their families and communities. Locked up in detention centers in remote locations, immigrants have severely limited access to lawyers, medical care, family, witnesses, and evidence to defend against deportation.

We, the undersigned organizations, strongly oppose S-Comm as we believe that the program is fundamentally flawed and will harm our communities. Our principal concerns are that S-Comm:

- **Jeopardizes our safety:** S-Comm destroys law enforcement relationships with their communities. When community members are afraid that interaction with local police might lead to deportation, they are less likely to report crimes or cooperate as witnesses. This makes it harder for police to investigate crimes and to keep our communities safe.
- **Offends values of liberty, due process and justice:** S-Comm subverts the core promise of our legal system to afford equal protection under the law by forcing immigrants to be treated differently than U.S. Citizens in their criminal proceedings. Immigrants tagged for deportation are routinely denied bail, jailed for longer, and wrongfully disqualified from participating in alternative release programs. S-Comm also funnels people into an unjust immigration system where they are stripped of their right to a government-appointed lawyer and a "fair day in court."
- **Encourages racial profiling:** S-Comm gives the police incentives to make pretextual arrests based on race or ethnicity in order to jail people suspected of being undocumented and run their fingerprints in the hopes of turning them over to ICE for deportation. This

illegal pattern of targeting and profiling has already been well documented through studies of similar ICE-local enforcement programs.

- **Imposes significant costs on our State and localities:** S-Comm forces states and localities to absorb the costs of mass incarcerations, as ICE promises that the program will “dramatically increase” the number of people held for additional time on civil immigration detainers while providing no additional federal funding to do so.
- **Exposes New York State and localities to significant liability:** Because S-Comm does not afford sufficient protections or oversight, state and local officials, not ICE, face heavy liability for illegal detentions and deportations that occur. New York City recently paid \$145,000 to settle one such violation and will not be reimbursed by the federal government.

In addition, we are increasingly concerned about ICE’s constant shifts in position on its own policies and the absence of any mechanisms for public accountability. For example, ICE continues to issue contradictory statements—changing its position within weeks—on whether local jurisdictions that do not want to participate in S-Comm can opt out. ICE has failed to explain or reconcile any of its conflicting statements despite widespread attempts by the media and advocates to gain clarity on ICE’s policies. And across the range of its work—from collaborations with police through agreements like 287(g) to its detention of immigrants—ICE has found that its own agency regularly fails to clearly articulate and maintain goals and procedures, establish measurable standards, keep records and track data, provide adequate supervision and oversight, create mechanisms for feedback, and respond to complaints and grievances. This lack of accountability and transparency, coupled with ICE’s seemingly ever-changing policies, puts localities and the public in a dangerous position. States across the country, including New York, are hard-pressed to figure out the contours of their arrangements, responsibilities, and liabilities when dealing with an agency that has been shown to flout its responsibilities to the public and even the federal government itself. Worse, all the negative consequences resulting from ICE-local enforcement collaborations are borne not by ICE, but by the localities themselves.

In view of these serious issues, we ask that New York State:

- 1) **Rescind the S-Comm MOA; and**
- 2) **Halt activation of S-Comm immediately.**

Given the broad reach and grave consequences of this program, New Yorkers deserve an opportunity for meaningful public input and debate along with the implementation of safeguards and accountability mechanisms to ensure that S-Comm will not endanger our communities, violate our rights, and divert state financial resources. **We demand that you immediately suspend all MOA contractual activities until further investigation is conducted into the community impact of, forecasted expenditures related to, and legal liability issues raised by S-Comm. We also request that you conduct a comprehensive cost-benefit analysis on this program and provide meaningful opportunities for rigorous public comment.**

We await your response to our urgent concerns and demands regarding S-Comm and are hopeful that the best interests of NY and its residents are thoroughly considered before any implementation of S-Comm takes place. Please contact Angela Fernandez at: 646-734-4932 or afernandez@nmcir.org to arrange a meeting with representatives from the undersigned group.

Sincerely,

Action for a Progressive Pakistan	Hispanic Resource Center of Larchmont & Mamaroneck
Adhikaar	Hudson Valley Community Coalition
African Services Committee	Imams Salihou Djabi and Souleymane Konate
American Immigration Lawyers Association- NY Chapter	Immigrant Defense Project
Arab American Association of New York	Immigrant Legal Resource Center
Asian American Legal Defense and Education Fund	Immigration Equality
Barack Obama Democratic Club of Northern Manhattan	Immigration Justice Clinic, Benjamin N. Cardozo School of Law
Breakthrough	INCITE! Women of Color Against Violence
Casa Esperanza	International Institute of Buffalo
Center for Constitutional Rights	International Organization for Adolescents
Central American Legal Assistance	La Union
Centro Altagracia de Fe y Justicia	Latin American Workers Project
Centro del Inmigrante	Long Island Immigrant Alliance
Civil Rights for Immigrants Team of Alliance of Communities Transforming Syracuse	Long Island Jobs with Justice
Coalition for Economic Justice, Buffalo, NY	LULAC Syracuse Chapter
Committee Against Anti-Asian Violence	Make the Road New York
Council of African Imams	MinKwon Center
Council of Peoples Organization	Muslim Consultative Network
Council on American-Islamic Relations: New York	New Agenda for Broad Immigration Reform
DAMAYAN Migrant Workers Association	New Immigrant Community Empowerment
Desis Rising Up and Moving	New Sanctuary Coalition
Domestic Workers United	New York Anti-Trafficking Network
Ecuadorian International Center	New York Jobs with Justice
Families for Freedom	New York Civil Liberties Union
Fifth Avenue Committee	New York Civil Liberties Union Capital Region Chapter
Greater New York Labor-Religion Coalition	New York Civil Liberties Union Lower Hudson Valley Chapter

New York Civil Liberties Union Nassau
County Chapter

New York Civil Liberties Union Suffolk
County Chapter

New York Immigration Coalition

Northern Manhattan Coalition for Immigrant
Rights

Northwest Bronx Community and Clergy
Coalition

The Opportunity Agenda

Pakistan Solidarity Network

Peekskill Area Pastors Association

Queens Community House

Rockland Immigration Coalition

Safe Horizon

SEIU 32BJ

Sex Workers Organizing Project – New York
City

Society of Jesus (Jesuits), New York
Province

South Asia Solidarity Initiative

UAW Region 9A

Upstate New York Detention Taskforce

United Neighborhood Houses

Urban Justice Center

Violence Intervention Program, Inc.

Westchester Community Opportunity
Program

Westchester Hispanic Coalition

Workplace Project

Youth Ministries for Peace and Justice

Cc: NYS Attorney General Andrew M. Cuomo



THE COUNCIL OF
THE CITY OF NEW YORK

November 16, 2010

Dear Governor David Paterson:

As members of the City Council of New York City, we are writing to express our deep concern about the Secure Communities (S-Comm) program. Earlier this year, much of the country raised their voices in opposition to Arizona's SB 1070 due to concern over the widespread human and civil rights violations for immigrants and people of color if the law was implemented. SB1070 was an outgrowth of federal efforts to involve local enforcement agencies in deporting noncitizens, and these efforts are active and growing in New York. While national opposition to SB1070 was growing, in May 2010, New York State signed an agreement with Immigration and Customs Enforcement to allow Secure Communities into New York, effectively opening the door for ICE presence in every police precinct across New York State. This agreement was signed without any public input, and without the knowledge of many elected officials.

As elected officials entrusted to represent the best interests of New York City, we are extremely concerned about the increasing collaboration between local law enforcement agencies and ICE. Our concerns include, but are not limited to, the negative impact this collaboration has on community trust in policing, the potential for racial profiling, and most importantly, the funneling of thousands on New Yorkers into the black hole of immigration detention and deportation with almost no opportunities for relief.

The detention and deportation system lacks accountability or transparency, and often sends NY immigrant residents thousands of miles away to immigration detention centers located in Texas, Louisiana, and Alabama, where they are deprived of adequate access to counsel, medical care, family, witnesses, and other evidence necessary to defend themselves against deportation. Beyond the individual suffering, each one of these New Yorkers leaves behind a broken family.

We are very troubled by the way in which the Department of Homeland Security went about signing this agreement with the Department of Criminal Justice Services. There was little or no input solicited either from the public or elected officials as far as we can tell. Many of us learned about Secure Communities months after the MOA was signed, and often through advocates who had taken on the backbreaking work of sharing the information with our communities.

New York cannot afford to deal with an agency that has shown time and again that it is inconsistent and unreliable. Because ICE has made clear that localities, not ICE, will bear the liabilities incurred by participation in S-Comm and its related programs, New York is putting itself in an extremely precarious position by dealing with ICE.

Already, the New York City Department of Correction has been forced to settle a lawsuit for \$145,000 for illegally detaining an immigrant that ICE had wanted to transfer into deportation. We find it very troubling that when our State is facing a projected \$8.1 billion budget deficit in the next fiscal year,¹ Cardozo Law School recently found that over the past four years, New York City Department of Correction has spent approximately \$4.5 million holding immigrants for ICE to pick up.

We have also learned that municipalities across the country that do not want to participate in S-Comm have not had any success. ICE has misled municipalities and the public, stating that there is a possibility for them to opt-out of S-Comm, but then when the jurisdiction tries to do so, ICE states that it is not possible.

As Governor, we have seen time and again the leadership and commitment you have made to communities of color and to immigration reform. In creating your highly acclaimed immigration pardon panel earlier this year, you yourself recognized that the 1996 immigration laws are “embarrassingly and wrongly inflexible.” From the creation of the Pardon Panel earlier this year to the aggressive stance you took against the Arizona State Bill 1070, we applaud your work thus far, and hope that will agree with us on the similar hazards and issues that this program would create for immigrants and communities of color in our state.

As New York City elected officials, we call for further inquiry and meaningful discussion to take place before the implementation of the S-Comm program to ensure that all measures have been taken to ensure a fair, just, transparent and fiscally responsible legal system for all New York residents. We ask that the State use its resources properly—not to deport New Yorkers but rather to keep New York families together, promote public safety, limit its exposure to liability, and protect the rights of its most vulnerable residents. **Please immediately rescind the Memorandum of Agreement signed with Immigration and Customs Enforcement and the Department of Homeland Security in May 2010.**

Sincerely,



Ydanis Rodriguez
Council Member, District 10



Jumaane D. Williams
Council Member, District 15



Melissa Mark Viverito
Council Member, District 8

¹ Enacted Budget Gap-Closing Plan, from the 2010-2011 Enacted Budget. From: http://publications.budget.state.ny.us/budgetFP/1011summary/1011enacted_summary3.html, 9/24/10.



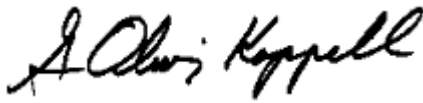
Helen Diane Foster
Council Member, District 16



Diana Reyna
Council Member, District 34



Julissa Ferreras
Council Member, District 21



G. Oliver Koppell
Council Member, District 11



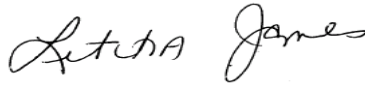
Brad Lander
Council Member, District 39



Charles Barron
Council Member, District 42



Stephen Levin
Council Member, District 33



Letitia James
Council Member, District 35



Rosie Mendez
Council Member, District 2



Daniel Dromm
Council Member, District 25

Res. No.

Resolution calling on the Governor of New York to immediately rescind the Secure Communities Memorandum of Agreement.

By Council Members Rodriguez, Dromm, Ferreras, and Mark-Viverito

Whereas, On May 18, 2010, the New York State Division of Criminal Justice Services entered into a Memorandum of Agreement with U.S. Immigration and Customs Enforcement (“ICE”) of the Department of Homeland Security (“DHS”) regarding the implementation of the Secure Communities program; and

Whereas, Under the Secure Communities program, states to enter into agreements with ICE to identify and remove criminal non-citizens from the United States by using fingerprint-based biometric technology during the booking process; and

Whereas, Under the Secure Communities program, fingerprints taken by local law enforcement officers during booking are automatically checked against DHS records; and

Whereas, If fingerprints taken by local law enforcement officers match those in DHS records, local ICE officers are automatically notified in order to determine whether any action is required; and

Whereas, Once a Memorandum of Agreement is entered into between a state and ICE, ICE works with the state’s identification bureaus to develop deployment plans for activating the biometric information sharing capability in their jurisdictions; and

Whereas, ICE reports that as of November 2, 2010, the Secure Communities program has been activated in 752 jurisdictions in 34 states since 2008; and

Whereas, According to ICE, Secure Communities is active in every jurisdiction in Arizona, Delaware, Florida, Texas, Virginia and West Virginia; and

Whereas, ICE plans to have the biometric sharing capability of the Secure Communities program activated nationwide by 2013; and

Whereas, ICE is not responsible for the costs incurred by states and their jurisdictions for holding a non-citizen on detainer, nor does ICE reimburse localities for detaining an individual, which renders localities solely responsible for the expenses incurred by holding a person on detainer; and

Whereas, Based on ICE data reviewed by the Benjamin N. Cardozo School of Law, the Center for Constitutional Rights, and the National Day Laborer Organizing Network, only 20% of the more than 46,000 people deported under Secure Communities were charged with or convicted of serious crimes and the majority of people deported under Secure Communities had no criminal records or had been picked up for low-level offenses; and

Whereas, According to critics of the program, Secure Communities violates due process and will lead to the automatic deportation of many people with minor criminal violations, or who paid their debt to society long ago and are now fully contributing to their families and our state; and

Whereas, Localities nationwide have formally expressed their opposition and desire to opt-out of the program including Arlington County, Virginia, Washington, D.C., and San Francisco, CA; and

Whereas, According to ICE, there is no way for a jurisdiction to opt-out of the Secure Communities program once a state has entered into a Memorandum of Agreement with ICE to implement the program; and

Whereas, The Washington, D.C. Metropolitan Police Department is the only local law enforcement agency to successfully terminate its signed Memorandum of Agreement; and

Whereas, New York government officials can follow the example of Washington, D.C., which rescinded its Secure Communities Memorandum of Agreement on June 23, 2010, after receiving public input on the program by having the chief of police, who had originally signed the MOA, send a letter stating that Washington, D.C. no longer wished to participate in the program; and

Whereas, New Yorkers strongly believe that due process is a human right, the denial of which puts all of our freedoms at risk; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Governor of New York to immediately rescind Secure Communities Memorandum of Agreement.

JEB
LS #1580
11/12/10