

Controversial “Secure Communities” Immigration Program Will Be Mandatory by 2013

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By 2013, states will have little choice but to comply with the Obama administration’s controversial [Secure Communities](#) immigration program, which collects and shares information about a person’s immigration status when they’re fingerprinted in a local jail, according to a newly released [memo](#) from Immigration and Customs Enforcement [ICE].

The October 2010 memo, first reported on by the [Los Angeles Times](#) and [made available by POLITICO](#), echoes [routine statements](#) made by ICE director John Morton about the 2013 deadline, and lays out how the transition will take place:

The process by which fingerprint and other information is relayed will change in 2013 to create a more direct method for ICE to receive that information from DOJ [Department of Justice]. Consequently, choices available to law enforcement agencies who have thus far decided to decline or limit their participation in current information-sharing processes will be streamlined and aspects eliminated. In that way, the process, in essence, becomes “mandatory” in 2013, when the more direct method will be in place.

Secure Communities has riled some city and state leadership since its inception in 2008. According to Jerry Stermer, a senior adviser to Illinois Gov. Pat Quinn [D], the program was initially pitched as a way to get serious criminals off the streets.

“We are talking about murderers and rapists and arsonists, the most serious, and that was very clear,” [Stermer told FRONTLINE](#). “That’s what we heard about. That’s what we understood was going on.”

But when the governor’s office looked at ICE’s own statistics, it found that fewer than 20 percent of those deported from Illinois had been convicted of a serious crime. Gov. Quinn tried to back out of the program, as did Massachusetts Gov. Deval Patrick [D] and New York Gov. Andrew Cuomo [D] [due to similar concerns](#). And some, including Lake County [Ill.] Sheriff [Mark Curran](#), say the program creates a culture of fear between law enforcement and the community.

The release of the memo, which was [expected to be made available last November](#), follows [a standoff](#) between the Obama administration and organizations seeking the information via a Freedom of Information Act [FOIA] request. According to the [Los Angeles Times](#), “documents previously released ... showed immigration officials struggling over a period of several months

with whether the program was voluntary and changing their messaging to the public after some localities tried to opt out.”

ICE spokeswoman Virginia Kice told the *Times* that “ICE did not change its position on the mandatory nature of Secure Communities. . . . As the legal memo explains, once a state or local government voluntarily submits fingerprint information to federal law enforcement officials, it cannot dictate how this information is shared to protect public safety.”

The release of the new memo comes about six months after the Obama administration [began a push](#) to adjust deportation priorities [to focus on illegal immigrants with criminal records](#); it’s issued a [prosecutorial discretion memo](#) [PDF] to aid ICE agents and lawyers in the field, and is in the process of [reviewing 300,000 deportation cases stuck in limbo](#).

In November, ICE began training employees on the new priorities, but as *The New York Times* [recently reported](#), the union that represents many deportation officers has not allowed its members to take part. “Law enforcement and public safety have taken a back seat to attempts to satisfy immigrant advocacy groups,” said Chris Crane, the president of the National ICE Council, which represents 7,000 officers.

The administration [deported almost 400,000 people](#) in fiscal year 2011, a new record. According to its own statistics, about 55 percent had criminal convictions (felonies or misdemeanors).

<http://www.pbs.org/wgbh/pages/frontline/race-multicultural/lost-in-detention/controversial-secure-communities-immigration-program-will-be-mandatory-by-2013/>