



## Legislation Text

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**File #:** Res 2200-2009, **Version:** \*

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### Res. No. 2200

Resolution condemning the expansion of the Secure Communities Program to the New York City Department of Corrections and the New York State Department of Correctional Services because it is against the best interests of all New Yorkers.

By Council Members Stewart, Jackson, James and Mark-Viverito

Whereas, The United States Immigration and Customs Enforcement office (ICE), a division of the Department of Homeland Security (DHS), enters into agreements with state and local law enforcement agencies in order to enforce federal customs and immigration laws; and

Whereas, ICE finds that the ability of local officials to accurately and efficiently identify the immigration histories of individuals booked into local custody is often compromised by the false or misleading biographic information provided by suspects; and

Whereas, Currently local law enforcement officials can only check for an individual's criminal history in the Federal Bureau of Investigations (FBI) database; and

Whereas, In October 2008, ICE began implementation of the Secure Communities Program, an initiative to improve the way the federal government works with state and local law enforcement agencies in order to better identify criminal aliens and more efficiently process and remove them from the United States; and

Whereas, Local law enforcement participants in the Secure Communities Program can now check fingerprints taken at jails against fingerprints of those already in the FBI's Integrated Automated Fingerprint Identification System (IAFIS) as well as the DHS Automated Biometric Identification System (IDENT); and

Whereas, Under the Secure Communities Program, should a person be identified as an illegal

immigrant, local law enforcement officials turn the matter over to ICE to make a determination on criminal charges and to carry out deportation proceedings; and

Whereas, ICE is evaluating ways to quickly determine an immigrant's eligibility for removal and to further prioritize each case in order to initiate the appropriate level of response, including: (a) placing a suspect-immigrant immediately in ICE custody to avoid release; (b) conducting personal interviews to gather additional information from a suspect-immigrant; (c) placing a detainer on a suspect-immigrant; and (d) issuing charging documents; and

Whereas, According to ICE, the Secure Communities Program is currently operational in 50 jurisdictions in eight states, servicing more than 1,420 booking locations in Arizona, California, Florida, Massachusetts, North Carolina, Pennsylvania, Texas and Virginia, and programming is expected to expand to jails and prisons nationwide by 2013; and

Whereas, ICE reports that as of May 31, 2009, there were 43,633 biometric identification submissions that resulted in an IDENT match and 3,713 of those matches were violent or narcotic offenders; and

Whereas, Immigrant advocates, however, suggest that the majority of people that have been deported thus far under the Secure Communities Program were arrested for misdemeanors and non-violent crimes; and

Whereas, During the first six months that the Secure Communities Program was in effect in Harris County, Texas, where the city of Houston is located, the automatic fingerprint checks resulted in 5,300 matches with the immigration database and led to the deportation of 94 people accused of the highest level of felonies compared to the deportation of 1,624 people accused of misdemeanors and various property crimes; and

Whereas, Some fear that the Secure Communities Program is so overbroad that it may lead to the deportation of legal immigrants who are booked for minor offenses, such as traffic violations, even after living in the United States for more than 10 or 20 years; and

Whereas, Immigrant advocates fear that the Secure Communities Program could result in immigration checks in other arenas and the criminalization of all illegal immigrants; and

Whereas, Opponents of the Secure Communities Program believe that the definition of “criminal aliens” applied by ICE is overbroad because the definition includes both legal and illegal immigrants who have become subject to the criminal justice system; and

Whereas, Legal residents who are not citizens can also be classified as criminal aliens if they are determined to have committed aggravated felonies, crimes of moral turpitude or narcotics charges by ICE or an immigration court; and

Whereas, Immigrant advocates are concerned about the potential for racial and ethnic profiling that may arise as a result of the Secure Communities Program; and

Whereas, Based on the information provided by DHS and ICE on the Secure Communities Program, it is unclear what, if any, auditing and oversight will be conducted, and whether any form of redress exists for those wrongly identified; and

Whereas, Despite the assertions of ICE that the objective of the Secure Communities Program is to “increase state and local partnerships to ensure time-sensitive screening of all foreign-born detainees and identification of criminal aliens,” it remains unclear whether the Secure Communities Program will negatively effect community policing and the willingness of victims and witnesses to report crime; and

Whereas, In New York City, lawmakers responded to immigrants’ reluctance to report crimes by instituting Executive Order 41, a “Don’t Ask, Don’t Tell” policy that prohibits city officers and employees from inquiring about a person’s immigration status; and

Whereas, New York City has always been committed to immigrants and made efforts to protect the constantly growing immigrant population and to ensure their participation in community activities and policing with Local Law 73 and Executive Order 120, citywide language access policies that allow and encourage immigrants to access city services and benefits; and

Whereas, New York City, home to approximately 2.9 million immigrants, has instituted several policies and procedures to protect immigrants and to encourage them to become active members in city life and the

Secure Communities Program would be against these policies; now, therefore, be it,

Resolved, That the Council of the City of New York condemns the expansion of the Secure Communities Program to the New York City Department of Corrections and the New York State Department of Correctional Services because it is against the best interests of all New Yorkers.

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JEB  
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