



Memorandum

To: County Board Members
From: Barbara M. Donnellan, County Manager
Subject: Secure Communities Meeting with ICE
Date: November 5, 2010

Today, along with Police Chief Doug Scott and Sheriff Beth Arthur, I met with representatives from U.S. Immigrations and Customs Enforcement (ICE) regarding the Secure Communities program. In addition to the information I received today, ICE has agreed to provide a written response to my Oct. 7 letter to them, which I will make available publicly when I receive it.

Per your direction, I requested clarification from ICE on the ability of local communities to withdraw from participation in Secure Communities. ICE stated clearly – and with finality – that local activated communities do not have the option of withholding information from the program, although communities can opt not to learn the results of immigration queries. ICE stated that Secure Communities is a federal information-sharing program – which links two federal fingerprint databases. The program does not require state and local law enforcement to partner with ICE in enforcing federal law. State and local law enforcement do not have any role in enforcing immigration law.

We learned from ICE that communities have two options.

First option: All jurisdictions have the option of not receiving the results of ICE’s database inquiries. (This option is what ICE officials were referring to as the “opt-out” for localities, and they acknowledged the confusion these statements have created.) Opting out of receiving the result of federal database inquiries would result in Arlington law enforcement not receiving information that could be crucial to effective law enforcement, information such as the arrestee's identity, known aliases, and criminal history. Therefore, we are choosing to receive the information.

Second option: Under Secure Communities, if activated jurisdictions choose to prevent their fingerprint submissions from being shared with ICE, they also elect to not share them with the FBI and its national criminal database. In Virginia, this is not possible. Under long-standing state law, all localities are required to collect fingerprints and submit them to the Virginia State Police – to be checked against both the state criminal database as well as the FBI’s national criminal database. Therefore, Arlington has no ability to prevent our fingerprint submissions from being checked against the criminal database, and subsequently, ICE’s immigration database. The County has never and will not consider this because utilizing the national criminal database is a public safety necessity to help us identify dangerous criminals.

Our discussion today did not focus on federal immigration policy ... rather, we focused on how the implementation of Secure Communities is affecting our highly diverse community. Seven months into its implementation in Arlington, the program is impacting the way we interact with our immigrant community, which represents one-quarter of Arlington's residents.

While Arlington understands and supports ICE in its mission to enforce our nation's immigration laws, we are concerned that Secure Communities may foster fear and mistrust of local law enforcement officers. The implementation of Secure Communities – and the lack of clarity from ICE regarding the details of the program – has impaired effective communication and cooperation with our residents. Open communication is vital to successful community policing and fulfillment of our public safety mission.

Arlington County is not alone in expressing these concerns. ICE agreed to continue the dialogue with us and we look forward to working them to develop solutions that will enable federal authorities and local public safety officers to fulfill their respective missions without forsaking either.

If Arlington determines it would be helpful, ICE also agreed to participate with our community in a public meeting in the future. We will continue to share information with the community, including updating our [Secure Communities web page](#) and [Frequently-Asked Questions](#).

Finally, I want to clearly state that while Arlington will continue to comply with all federal and state laws related to immigration, no resident or visitor should fear interacting with Arlington County law enforcement officers. Their mission is to provide for the safety and security of all people, and everyone's cooperation and support are vital if we are to continue to be one of the safest, most welcoming and inclusive communities in the country.