

What is Secure Communities?

Secure Communities is a program that allows state and local police to check the fingerprints of an individual they are booking into a jail against Department of Homeland Security (DHS) immigration databases. 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.

How is Secure Communities Different from 287(g)?

287(g) is a provision of immigration law that allows the federal government to deputize local law enforcement agents to enforce federal immigration laws. Under the 287(g) program, some participating police departments check immigration status while performing stops on the streets, while other agencies check immigration status only after someone has been brought into jail. All 287(g) deputized officers have been trained by ICE in immigration law, and participate in checking immigration status and initiating removal or other immigration proceedings against individuals.

In the Secure Communities program, local officers are not trained to carry out immigration law. They simply submit fingerprints that are regularly collected in the booking process to DHS. ICE agents are responsible for carrying out any further immigration enforcement.

What is Wrong with Secure Communities?

Secure Communities can lead to racial profiling

- Secure Communities is advertised as a program to identify and remove dangerous criminals from our country. The reality is more complicated. Although individuals are checked once they are in jail, it matters how they got into the jail in the first place. Police officers with a motive to deport undocumented immigrants—or who have a prejudice towards Latinos or other persons of color—will find a pretext to arrest a person, bring them into the jail, and check their fingerprints against the DHS databases in the hopes of turning them over to ICE. The result under such circumstances is that Latinos, in particular, are far more likely to be arrested than others in the community.
- There is no check on the motives for bringing a person to the jail. The program is applied by participating jails even where the underlying arrest was based on racial or ethnic profiling or was merely a pretext for checking immigration status.

Secure Communities may lead to insecure communities

- If police use this program as an excuse to round up immigrants, immigrants will avoid the police. When immigrant communities know or believe that police are involved with ICE, seeking aid from police becomes too risky. Crimes go unreported and victims go unprotected when entire communities fear the police.
- Even legal immigrants fear cooperating with or seeking help from law enforcement if they fear they could somehow be placed into removal proceedings, or if they have family members who are undocumented.
- When community members stop cooperating with law enforcement, everyone is less safe.

Secure Communities casts too wide a net, with too few safeguards

- Secure Communities ostensibly targets “criminal aliens” but in fact affects everyone who is brought into a jail—whether or not they were arrested for a serious crime. Immigration checks should only apply to persons who have been convicted of a crime and been judged to be a danger to the public. If the program was not used for persons who are arrested for very minor offenses, the incentive for racial profiling would be greatly reduced.
- ICE’s own statistics reveal that 5% of database “hits” under Secure Communities actually identified U.S. Citizens.

Secure Communities has unclear priorities and uncertain accountability

- ICE asserts that Secure Communities prioritizes non-citizens who have committed dangerous crimes. In practice, however, ICE has a poor track record of adhering to its own priorities. Early statistics from Secure Communities show that ICE issued 3,847 detainers on those identified as top priority subjects, and 16,227 detainers on lower level subjects.
- DHS admits in a recent report on immigration detention that many non-citizens released from jail do not have convictions, and less than half of the non-citizens booked into immigration detention have any criminal conviction at all.
- ICE has not shown how its priorities — giving highest priority to persons convicted of serious crimes — are being monitored, implemented, and enforced. Without enforcement, it is not clear how police who are prone to arrest individuals based on racial profiling will be held to account.

Secure Communities involves hidden costs for local jails and communities

- Secure Communities means more jail time for non-citizen defendants because, when there is a “hit” on a DHS immigration database, the local jail is asked to hold the individual at the conclusion of criminal proceedings for ICE. This results in a growing cost that falls on the town or county.