



MISPLACED PRIORITIES: The Failure of Secure Communities in Los Angeles County

By Edgar Aguilasocho, David Rodwin, and Sameer Ashar

**Immigrant Rights Clinic
University of California, Irvine School of Law**

January 2012

Executive Summary

Even under newly revised federal enforcement policies issued in the summer and fall of 2011, Secure Communities continues to lead to the deportation of people who have no criminal convictions or who are themselves crime victims; people convicted of minor, non-violent crimes such as traffic offenses; and people with old convictions for crimes, but who are rehabilitated and pose no danger to their communities.

Secure Communities authorizes the sharing of information between local and federal authorities for the stated purpose of identifying and deporting “criminal aliens.” Very soon after the program’s inception in 2008, however, localities began to report that the vast majority of people deported under the program were not violent criminals. The localities also pointed out that the program forced them to internalize significant costs, including (1) the financial costs of detaining people in local jails before they are transferred to ICE custody; (2) harm to community policing because of the fear that any contact with police—even by a crime victim or witness calling 911—could lead to deportation; and (3) harm to the families of people deported through the program, which frequently include children and other relatives who are United States citizens. In addition, reports indicate that Secure Communities has led to the increased use of racial profiling in policing.

This white paper analyzes the contrast between the federal government’s representation of Secure Communities and the reality of the program’s implementation in Los Angeles County through interviews with individual immigrant detainees and available aggregate data. The interviews and data suggest that ICE’s failure to adhere to its own stated priorities is a feature rather than a reparable flaw of the program. The program has been constructed and implemented on the assumption that if an individual has any contact with law enforcement—even if that contact stems from a traffic offense—that individual represents a threat to the community. ICE uses its stated criminal priorities as part of a rhetorical strategy to assuage the concerns of states and localities. In operation, however, ICE casts a wide net and offers little relief to worthy candidates for prosecutorial discretion; the vast majority of those deported through Secure Communities have merely had contact with local law enforcement and have not committed serious crimes.

The use of local police to identify and deport people who have not been convicted of serious crimes is an essential—though generally unstated—feature of Secure Communities. We recommend that the County of Los Angeles protect itself from the deficiencies of the Secure Communities program by adopting an ordinance limiting its participation, following jurisdictions such as Arlington County, Virginia; Cook County, Illinois; and Santa Clara County, California.

I. HISTORY OF SECURE COMMUNITIES

A. Origin and Operation

Secure Communities is a deportation program introduced by the Bush administration in 2008, and expanded under the Obama administration. For several decades before Secure Communities, local police officers checked the fingerprints of all arrested individuals against a Federal Bureau of Investigation (FBI) database to determine if the individuals had outstanding warrants in other jurisdictions. Under Secure Communities, however, the FBI sends those fingerprints to Immigration and Customs Enforcement (ICE), part of the Department of Homeland Security (DHS). If ICE believes that the individual is undocumented or otherwise deportable, or if ICE wishes to initiate an investigation into the individual's deportability, it issues a "detainer" to the local police department. These detainers—also referred to as "immigration holds" or "ICE holds"—request that local police continue to detain the individual until ICE agents interview and determine whether or not to transfer the individual to ICE custody. ICE issues the detainer at the time of the individual's arrest; no past or current conviction is required for ICE to issue a detainer. According to ICE, the purpose of this additional detention is to allow ICE agents to interview the individual.

In theory, these detainers should last no longer than 48 hours, in addition to any weekends and holidays, though in practice detainers may last much longer.¹ Even if the detainer lasts 48 hours or less, however, people with a detainer tend to stay in jail much longer than similarly situated people without a detainer.² This is because police often refuse to accept bail from people who have ICE detainers, and because people with detainers are often denied access to alternative-to-incarceration programs. Local jurisdictions bear the cost of the prolonged detention, whether it is a result of a detainer or a prolonged jail stay.

B. ICE's Stated Priorities

ICE has always stated that the purpose of Secure Communities is to remove "criminal aliens," though it never defined in precise terms who should be designated as such. In 2009, emphasizing that "criminal aliens pose a threat to security in our communities," ICE described the program as an "ICE initiative that focuses on the identification and removal of aliens who are convicted of a serious criminal offense and are subject to removal."³ In other words, ICE framed Secure Communities as a tool to help the agency identify non-citizens previously convicted of serious crimes, and who therefore threaten the safety of their communities.

However, ICE has broadened its net to include those merely charged with—and never convicted of—its target criminal offenses. This change is clear in ICE's monthly statistics reports, which lump together people "charged with or convicted of" various categories of offenses.⁴ The distinction between these two categories of people is crucial; ICE counts people who have been convicted of crimes in the same group as people who have merely faced charges in the past—even if those charges were dropped because the police or prosecutor no longer believed the individual was responsible. This categorization highlights the reality that Secure Communities

punishes with deportation both those who are convicted of crimes and those against whom charges have been dropped.

C. Implementation

ICE piloted Secure Communities in October 2008 in 14 jurisdictions. As ICE sought state partners, it made clear that implementation of Secure Communities at the local level required two steps: (1) execution of a Memorandum of Agreement (MOA) with the state; and (2) signed statements of intent from county and local agencies.⁵

ICE's MOA template explained that it was the program's goal to "identify, detain and remove aliens convicted of a serious criminal offense," thus "improving community safety." The MOA would remain in effect only "until terminated by either party."⁶ With those assurances, many states entered into MOAs to implement the program.

ICE moved quickly to spread Secure Communities across the country in a relatively short period of time. California signed an MOA authorizing the implementation of the program on April 10, 2009, and the program was implemented in Los Angeles on August 27, 2009. As of November 15, 2011, Secure Communities had extended into 1,688 jurisdictions in 44 states and territories. ICE now states that it plans to implement the program nationwide by 2013.⁷

D. Local Pushback

As Secure Communities spread, it became clear that the vast majority of those deported through the program were not violent criminals, and often had no criminal convictions at all. At the same time, ICE began "activating" the program in local jurisdictions without first obtaining signed statements of intent from counties and localities, violating a premise on which many states had entered into MOAs. A number of states and localities complained that the reality of the program's implementation did not match its stated goals, and that they were being forced into a controversial program without their consent.

Several localities—including Arlington, Santa Clara, San Francisco, and others—sought to opt out of the program, requesting information on how to do so from DHS. On September 7, 2010, DHS Secretary Janet Napolitano clarified in a letter to Representative Zoe Lofgren that even after a state enters into an MOA to implement Secure Communities, local law enforcement agencies could opt out of the program simply by formally notifying ICE of that intent.⁸ A corresponding section on the ICE website spelled out those instructions in greater detail:

If a jurisdiction does not wish to activate on its scheduled date in the Secure Communities deployment plan, it must formally notify its state identification bureau and ICE in writing (email, letter or facsimile). Upon receipt of that information, ICE will request a meeting with federal partners, the jurisdiction, and the state to discuss any issues and come to a resolution, which may include adjusting the jurisdiction's activation date in or removing the jurisdiction from the deployment plan.⁹

Following that representation, the County of Santa Clara Board of Supervisors unanimously voted on September 28, 2010, to opt out of Secure Communities. In explaining his vote, Chairperson George Shirakawa stated, “this program does not make any community in our County safer, because it creates fear among our residents and prevents them from reporting crime.”¹⁰

On that same day, the County of Arlington, Virginia, passed a similar resolution opting out of Secure Communities. The resolution stated that “public safety depends on the ability of [Arlington County] residents to interact with . . . local law enforcement authorities without fear due to actual or perceived race, national origin, ethnicity, or immigration status.”¹¹

ICE responded by removing the “opt-out” instructions from its website at some point in October 2010. Secretary Napolitano then began to contradict her earlier representation, stating that “we do not view this as an opt-in, opt-out program.”¹²

Nevertheless, on May 3, 2011 the San Francisco Sheriff’s Department issued a memorandum announcing a policy that would implement that city’s Sanctuary City ordinance with respect to Secure Communities, beginning the following month. The memorandum stated that ICE detainer requests are merely requests, and do not impose a legal mandate to hold a person in custody. As a result, the Sheriff’s Department would honor the detainer requests only in limited circumstances, focusing on individuals with convictions for a limited set of crimes.¹³

On May 4, 2011, the Illinois State Police formally terminated its memorandum of understanding with ICE implementing Secure Communities in Illinois. That agreement had been in effect since November 2009. In his letter to Marc Rapp, Acting Assistant Director of Secure Communities, Illinois Governor Pat Quinn cited statistics that less than 20 percent of those deported from Illinois under the program had ever been convicted of a serious crime, and more than 30 percent had never been convicted of any crime. Governor Quinn concluded that Illinois would no longer participate in the program because of “the conflict between the stated purpose of Secure Communities and the implementation of the program.”¹⁴

The next day, the Congressional Hispanic Caucus sent a letter to President Obama requesting “an immediate freeze” of Secure Communities pending a thorough review of the program. The letter cited national statistics that “79 percent of individuals deported through S-Comm either lacked any criminal record or have been convicted of only minor offenses, including traffic violations.” The letter also expressed concern that the program had led to racial profiling, as evidenced by the fact that “rates of non-criminal deportations appear to vary widely between jurisdictions.”¹⁵

On May 26, 2011, the California Assembly passed the TRUST Act by a 47 to 26 vote, sending that bill to the Senate for consideration.¹⁶ The TRUST Act would have modified California’s Secure Communities MOA by requiring that communities wishing to participate in the program “opt in” with a vote by the local political body, and would also have prohibited the pre-conviction sharing

of fingerprints.¹⁷ Lawmakers are currently revising that act following DHS's August 2011 cancellation of all Secure Communities MOAs.

On June 1, 2011, New York State suspended its participation in Secure Communities. In a letter explaining that decision, Mylan Denerstein, Counsel to Governor Andrew Cuomo, stated that the program was "compromising public safety by deterring witnesses to crime and others from working with law enforcement."¹⁸

On June 3, 2011, Massachusetts indicated its intent not to enter into a memorandum of agreement with ICE to participate in Secure Communities. In its letter indicating that intent, the state focused on the conflict between the program's stated goal of identifying and removing "aliens who are convicted of a serious criminal offense and are subject to removal," and the reality of the program's implementation. The letter stated that "only about 1 in 4 of those deported since the inception of Boston's pilot participation in Secure Communities were convicted of a serious crime and more than half of those deported were identified as 'non criminal.'"¹⁹

On June 7, 2011, the Los Angeles City Council voted 11 to 1 to support state legislation that would limit participation with Secure Communities. The City Council resolution pointed to the increasing number of localities choosing to opt out of the program, the program's financial and social costs, its "direct contradiction" with LAPD policy, and the "concern that the Secure Communities program has been deployed without adequate notice and without [localities'] consultation or consent."²⁰

On September 7, 2011, Cook County, Illinois passed an ordinance requiring that the Sheriff of Cook County "decline ICE detainer requests unless there is a written agreement with the federal government by which all costs incurred by Cook County in complying with the ICE detainer shall be reimbursed." The ordinance further bars county officials from giving ICE agents access to individuals in county facilities unless county officials have a "legitimate law enforcement purpose that is not related to the enforcement of immigration laws."²¹

On October 18, 2011, Santa Clara County passed a second resolution related to Secure Communities, this one focused on ICE detainer requests. The resolution forbids the honoring of all detainer requests until "there is a prior written agreement with the federal government by which all costs incurred by the County in complying with the ICE detainer shall be reimbursed." Even where there is such an agreement, the resolution authorizes law enforcement officials to honor those requests only when the individual has been "convicted of a serious or violent felony offense for which he or she is currently in custody," or "has been convicted of a serious or violent felony within 10 years of the request, or was released after having served a sentence for a serious or violent felony within 5 years of the request, whichever is later." The resolution also forbids County officials from honoring ICE detainer requests to individuals younger than 18 years of age, and forbids County officials from giving ICE agents access to County facilities without "a legitimate law enforcement purpose that is not related to the enforcement of immigration laws."²²

On October 19, 2011, Mayor Gray of Washington, D.C., signed an executive order limiting that city's police and public safety officials from complying with ICE detainer requests.²³ The following month, all 13 D.C. Council members co-sponsored a bill to restrict ICE detainers to 24 hours, rather than the presumptive 48 hours.²⁴

On November 22, 2011, New York City Mayor Bloomberg signed legislation limiting the use of New York Police Department resources to honor ICE detainers except in narrow circumstances.²⁵ The legislation specifically found that “more than 50% of the inmates in [Department of Corrections] custody with immigration detainers had no prior convictions at all.”²⁶

On December 1, 2011, Los Angeles Mayor Villaraigosa wrote a letter to California Governor Jerry Brown urging him to suspend California's participation with Secure Communities. Mayor Villaraigosa's letter expressed concern about the community costs of “entangling agencies like the LAPD in immigration enforcement.” The letter also pointed to deportations of “community members with no criminal background,” with the result that “thousands of US citizen children have been placed in foster care due to their parents' deportations.” Finally, Mayor Villaraigosa lamented what he saw as ICE's failure to proceed “in an open, transparent manner” by implementing—and then rescinding—California's Memorandum of Agreement activating the program, and by using the program to deport people “who pose no discernible threat to public safety.”²⁷

On December 14, 2011, the San Francisco Board of Supervisors passed a resolution supporting the San Francisco Sheriff's Department and Juvenile Probation Department policy restricting use of local funds for ICE detainers.²⁸ Explaining his vote, Supervisor Eric Mar, author of the resolution, stated that the program “doesn't make communities safer.”²⁹

Most recently, on December 16, 2011, Los Angeles area Congressional Representatives Judy Chu, Laura Richardson, Xavier Becerra, and Lucille Roybal-Allard wrote a letter to the Los Angeles City Council and Board of Supervisors, urging them to “immediately adopt a policy which would mitigate the impact of [Secure Communities] on public safety and the rights of [their] California constituents.” The letter focused on what the representatives saw as a “wedge” that the program drives “between Los Angeles law enforcement and immigrant communities,” and on the illegal detention of native born Americans in Los Angeles County. The representatives stressed that “ICE has made clear that immigration detainers are voluntary requests” that a locality need not honor.³⁰

E. ICE's Response

In response to growing national pressure, ICE began a publicity campaign focused on prosecutorial discretion. All law enforcement agencies engage in some form of prosecutorial discretion by focusing their enforcement resources on certain individuals rather than others. In a memorandum dated March 2, 2011, ICE Director John Morton stated that because the agency

“only has resources to remove approximately 400,000 aliens per year, less than 4 percent of the estimated illegal alien population in the United States,” it should prioritize the deportation of certain types of immigrants. In descending order of priority, the memo emphasized the deportation of (1) “aliens who pose a danger to national security or a risk to public safety,” (2) “recent illegal entrants,” and (3) “fugitive aliens” who are “subject to a final order of removal and abscond, fail to deport, or intentionally obstruct immigration controls.”³¹

Despite the publicity surrounding the memo, ICE continued to push for the deportation of people who did not fit into those enforcement priorities. Isaura Garcia’s case provided a particularly poignant example. In early May 2011, Ms. Garcia called 911 to seek the LAPD’s help while she was being assaulted by her boyfriend. Due to confusion at the scene, LAPD officers arrested her and took her fingerprints. Because of Secure Communities, Ms. Garcia’s fingerprints were run through federal immigration databases, and ICE placed her in deportation proceedings. ICE did not suspend those proceedings until after national media reported on the case.³²

In May 2011, DHS announced that the Office of the Inspector General would investigate Secure Communities for allegations of racial profiling and selective enforcement.³³

On June 17, 2011, ICE Director Morton issued another memorandum on prosecutorial discretion, again stating that ICE agents should prioritize the deportation of individuals who pose a threat to national security, convicted criminals, and repeat immigration offenders. This memo stated in greater detail what factors ICE agents should weigh when determining whether to exercise discretion.³⁴

States and localities complained that the new memoranda did not appear to be implemented on the ground, and several states cancelled their MOAs with ICE. ICE responded on August 5, 2011, by terminating all 40 MOAs it had executed with states up to that point, stating that the agreements were “not required to activate or operate Secure Communities,” and that the program would continue without agreements in place. This announcement directly contradicted earlier ICE assurances to states and localities.³⁵

On November 10, 2011, the American Immigration Lawyers Association (AILA), a nonpartisan, not-for-profit organization, published a report analyzing implementation of the prosecutorial discretion memoranda. The report stated that “in the majority of offices ICE agents, trial attorneys and supervisors admitted that they had not implemented the memoranda and there had been no changes in policy or practice.”³⁶

On November 17, 2011, ICE announced that it would undertake a case-by-case review of most pending cases to determine whether or not they fit into ICE’s enforcement priorities.³⁷ Any results of this review are, as of now, unclear.

A recent report in the New York Times confirmed AILA’s suggestion that despite publicity surrounding the ICE policy announcements, ICE officers are largely rejecting the discretion that

the new policies demand they apply. The report states that the national ICE officers union has gone so far as to forbid its members from attending a training on use of such discretion.³⁸

II. CONTINUED ENFORCEMENT IN LOS ANGELES: THE HUMAN COST OF SECURE COMMUNITIES

Despite growing controversy and significant questions about its implementation, effects, and costs, police departments and ICE continue to cooperate to implement Secure Communities across the City and County of Los Angeles. As described above, ICE has attempted to assure states and localities that the program will lead to minimal harm—first, by promising states and localities that the program was optional and then by publicizing its use of prosecutorial discretion.

Interviews with Los Angeles County residents held in immigration detention facilities reveal the misplaced priorities of Secure Communities. The detainees we interviewed generally fell into the following categories: (1) Los Angeles County residents never convicted of any crimes, who are themselves victims of crimes, and who have been mistakenly identified as being convicted of crimes; (2) residents convicted of minor crimes such as traffic offenses; and (3) residents who have been rehabilitated and pose no threat to their communities.

These categories are, unfortunately, more the rule than the exception. The National Immigrant Justice Center (NIJC) recently acquired immigration detainer data from ICE through a Freedom of Information Act (FOIA) request. The data shows that between October 1, 2008, and June 21, 2010, ICE issued 14,771 detainer requests in Los Angeles County. Of these, only a small number were associated with any serious criminal charge. Interviews with immigrant detainees show that even in cases where a crime is listed, the immigrant may have exceptional circumstances or a history of rehabilitation which the data does not reveal. Moreover, over 8,000 of the detainers in the data set listed no criminal charge at all. Some of these may merely be omissions, but interviews with immigrant detainees suggest that a number of these cases may also be based on false matches, pretextual arrests, or other reasons misaligned with the stated priorities of Secure Communities.

The interview summaries below serve to illuminate the human costs of Secure Communities. All names have been anonymized to protect the individuals, many of whom remain in detention facilities.

A. Non-criminals, crime victims, and cases of mistaken identity

There has been significant publicity concerning the identification of crime victims and non-criminals through Secure Communities. Though ICE has claimed that it is correcting that problem through prosecutorial discretion, recent interviews with detainees demonstrate that in

Los Angeles County Secure Communities continues to identify crime victims and residents never convicted of any crime, leading to their detention and deportation. The program also appears to have a serious problem with false matches—cases of mistaken identity where an individual is mistaken for someone else with a criminal record. Recently, the ACLU of Southern California and other legal and advocacy organizations sent letters to the Los Angeles City Council³⁹ and Board of Supervisors,⁴⁰ highlighting instances of American citizens detained based on such false matches. Interviews with detainees reveal that non-citizen Los Angeles County residents are also being detained and deported on the basis of false matches through Secure Communities.

i. TS

TS has no convictions and is not facing any criminal charges. Nevertheless, LAPD officers placed him in ICE's custody through Secure Communities, and he now faces deportation.

TS has lived in the United States since he was three months old, when his parents brought him here in the mid-1980s. He is the eldest of six siblings; his four brothers and one sister are all US citizens. He grew up and went to school in South Central Los Angeles, passing his time playing soccer with friends. He graduated from high school and set his sights on college. When his parents developed costly medical problems, however, TS put off his college plans to help support his family.

TS is now engaged to EC, a woman he began dating in high school and with whom he has remained together for most of the last 11 years. Like TS's brothers and sister, EC is a US citizen. She works for a school, assisting children with learning disabilities. She and TS have a four-year-old daughter, and the family regularly attends church near their home in Los Angeles.

In July 2011, several LAPD officers were chasing someone with a gun near the family's house. The fugitive ran through the house, and escaped out the side door. The LAPD officers stormed in, and—apparently believing TS was the suspect—placed him under arrest. TS was detained for a week in county jail before the police understood their error and dropped all charges. But TS then learned that ICE had put a “hold” on his release. TS found himself transferred to immigrant detention, far from his family, and placed in removal proceedings.

TS had had no prior contact with ICE until August 2011 when he was placed in removal proceedings. Nevertheless, ICE agents repeatedly demanded that he sign a stipulated removal order that would fast-track his deportation.⁴¹ They told him that there was no way he would be able to bond out, and that he would surely be deported. TS refused.

On last contact with TS, he was still detained by ICE, hoping that the Immigration Judge would allow him to bond out so that he could be reunited with his fiancée and baby daughter.

ii. GK

GK is a crime victim. He has been in the United States for 13 years, and has no criminal convictions. His arrest—a result of a language barrier with police officers—triggered an ICE detainer request through Secure Communities. After the LAPD continued to detain him without criminal charges, he was picked up by ICE and placed under their custody.

GK entered the United States in 1998. In August 2011, he was invited to a birthday party. When he arrived at the house where he thought the birthday party would be held, someone hit him in the ribs with a metal pipe and covered his mouth with a drugged rag. When he awoke, he realized that his personal possessions had been stolen. Shortly thereafter, police officers arrived and began questioning him. The police did not speak Spanish and GK did not speak English, and the resulting confusion led to his arrest. After he was transferred to ICE custody, friends told GK that the muggers knew about his arrest and had proceeded to burglarize his apartment.

GK originally came to the United States from Central America to flee a gang that killed his uncle in 1997. These same men threatened GK and shot at him on a deserted road before he fled in 1998. Due to Secure Communities, GK has lost nearly all of his possessions and faces the likelihood that ICE will deport him to a country where he fears for his life.

iii. ME

ME is a father of three children. He has been in the United States for 13 years. In October 2011, he lost his passport and identification. By November, he was in immigration detention and facing deportation wearing someone else's name on the wristband all detainees must wear.

ME works at a bar in Los Angeles. In November 2011, his boss was having a birthday celebration and asked ME to have quick drink with him before going home. At 4:30 AM, ME shared one drink with his boss and drove home. As he got on the freeway, a sheriff's officer pulled him over. The officer smelled alcohol on his breath and took him to the station.

ME arrived at the sheriff's station at 5 AM. Sheriff's officers told him that he would be released in five hours because his blood alcohol level was below the legal limit, and because it was his first arrest. ME called his wife and told her that he would be heading home by that afternoon. But by 8 PM, officers told ME that he was being detained because of an ICE hold.

ME's detention was a direct result of a false match through Secure Communities. ME shares a first and last name with a man from Texas with an outstanding warrant. However, ME has never been to Texas, nor does he share a maiden name with the man from Texas. Regardless, ICE officials interrogated ME at least six times over the next three days, and repeatedly pressured him to sign a voluntary departure form. ME explained to the officials that they were making a mistake and that he would gladly sign a voluntary departure form if the name on it were correct. The officers ignored him and sent him to a detention center.

iv. SL

SL has lived in the United States for 11 years. He was stopped for a minor traffic violation. He was set to be released shortly after his arrest, but due to a mistaken fingerprint match through Secure Communities he is now in immigration detention waiting for his removal hearing.

In November 2011, SL watched a boxing match with his friend. Afterwards, they went out to a nightclub together. SL made an improper left turn into the parking lot, and an LAPD officer pulled him over. The officer asked SL to take a breathalyzer test. When the machine showed he was below the legal limit, the officer asked SL to retake the test at the police station. SL agreed.

LAPD officers told SL that he would be released in five hours. His blood alcohol level was low and this was his first arrest. A few hours later, however, LAPD officers told SL that he would be transferred to ICE custody because his fingerprint triggered an ICE hold.

SL has never used false identification, and he does not recognize the name associated with his fingerprint. At the detention center his identification wristband contains the wrong identity information. On last contact, SL was waiting for his family to send him financial records and proof of residence so that he would not be deported under the wrong name.

B. People convicted of minor, non-violent crimes such as traffic offenses

In fiscal year 2011, only about 20 percent of individuals detained through Secure Communities were so-called “level 1” offenders—people charged with or convicted of more serious crimes.⁴² Of the rest, many were charged with or convicted of much less serious crimes, including non-violent crimes and traffic offenses. The result of granting ICE detainer requests for such individuals is that people convicted of minor crimes, such as driving without a license, could face deportation.

i. GB

GB is a high school student who was placed in removal proceedings after being convicted of traffic offenses.

GB’s father was murdered when GB was a small child in Mexico. Because of his father’s debts, GB and his family had to move from place to place to avoid incurring violent reprisals from angry creditors. He began working to help support his mother and siblings when he was just eight years old. At age 11, his arm was badly mangled when it was sucked into a conveyor belt at the fruit processing facility at which he was working.

At age 15, GB came to California to gain an education that would allow him to find a job that relied on his mind, rather than his arms. He taught himself English, and his grades steadily improved at his Los Angeles high school. He got a part-time job, and bought a car with the

money. One day he took his friend for a ride. He sped, and ran through a red light. An LAPD officer pulled him over, and arrested him when he saw that GB had no license. GB was charged with driving without a license and other traffic offenses, and after pleading guilty to those charges, he expected to be released on parole. He was unaware that ICE had issued a detainer request to the LAPD through Secure Communities until ICE officers met him upon his release, brought him to an immigration detention center, and placed him in removal proceedings.

C. People who are rehabilitated, and are not a threat to their communities

One stated purpose of Secure Communities is to protect public safety by facilitating the deportation of those who pose a danger to their communities. Many people deported through the program, however, have rehabilitated themselves and pose no danger to their communities. ICE's insistence on deporting such people is evidence of its intent to use any police contact for the purposes of deportation, even when the individuals pose no threat.

i. CQ

CQ has lived in the United States since 1983, and has been a Legal Permanent Resident since 1993. Though he has now given up drinking alcohol, found religion, and began a new life, ICE has focused on his past mistakes and is moving to deport him.

CQ has worked as a mechanic since 1989, using a large portion of his income to support his mother, who is a US citizen. He has five children with VG, who has remained his partner for many years. For much of his adult life, however, he struggled with alcohol addiction. As a consequence of this addiction, he was convicted of several substance-related crimes. He worked to better himself during his time in jail, eventually obtaining his GED as well as other educational certificates. After a relapse in 2005, CQ was convicted of a minor domestic violence charge. Feeling that his locale was a trigger for his alcoholism, CQ decided to move out of state; though he knew the move would violate his probation, he felt that he could beat his addiction only by changing his environment.

In 2006, CQ moved to another state to live with his aunts and cousins. While there, he began to join his family at church. He soon committed his life to religion, completely swearing off alcohol. He has stayed true to his commitment and has had no alcohol since 2006.

In 2010, CQ received word that his mother had become gravely ill. As her only son, CQ felt responsible to take care of her. He drove back to California, moved in with his mother, and began nursing her back to health. One day, while driving a friend's car that he was fixing, he was pulled over for a broken tail light. When the arresting officer ran his fingerprints, CQ's probation violation became apparent. Instead of paying the price for the probation violation, the LAPD kept him in custody under an immigration detainer until ICE officers transported him to a detention center.

On last contact with CQ, he had been detained for a full year. His detention, separation from his ailing mother, and looming deportation have caused CQ to suffer from a severe depression, as well as various physical illnesses.

ii. JP

JP is a father of five with a sixth child on the way. He has been in the United States for 12 years. JP has a single DUI conviction from 2007. In the years that followed he neglected to complete his required DUI rehabilitation program. As a result, a warrant was issued against him. In August of 2011 he was detained through Secure Communities. His arrest triggered an ICE hold and he was sent to immigration detention.

JP arrived here in 1999. In the years that followed, he established his life in the United States. He began working in construction. He met and fell in love with MP. She had four children from a previous relationship, whom he has raised as his own. When he was transferred to ICE custody, JP and MP were expecting their second child together and planning their wedding.

The children are bright and excel academically. With great pride, JP recounted that his oldest son had placed in the top three of a statewide mathematics competition for two years in a row. But he says that he does not have the children visit him at the detention center because he does not want them to see him in prison.

JP's detention has caused his family great distress. He is the sole breadwinner for the family. His wife is pregnant and unable to work. But due to JP's detention through Secure Communities, they will not be able to pay rent and his family may need to move.

iii. BR

BR is a father of five and a Legal Permanent Resident. He has been in the United States for 21 years. Other than a single drug conviction, he has no criminal record.

BR entered the United States in 1990. His mother filed a family visa petition on his behalf in 1992. In the years after he entered the US, BR graduated from high school in Los Angeles. He began attending a church near downtown Los Angeles with his family. Eventually, he met his wife. She was a US citizen and, through their marriage, he became a legal permanent resident.

In the years that followed, BR and his wife built a home together. They had five children. BR worked hard and never got in trouble with the law. Unfortunately, BR's wife developed a terminal illness in 2010 and passed away. All of BR's children began receiving psychological treatment at that time. He was arrested for possession of marijuana, which he was using to overcome his depression after the death of his wife. His arrest triggered an ICE hold through Secure Communities and he was sent to a detention center.

Now, BR's children may be left without a father shortly after losing their mother. BR's mother currently cares for the children, but she has serious health problems that make caretaking very difficult.

III. COSTS TO LOS ANGELES

Secure Communities exacts a heavy toll on Los Angeles, in addition to the costs imposed on individual immigrants. Compliance with the program is expensive for local law enforcement agencies, entailing increased booking costs, detention costs, and costs associated with compensating victims of civil rights violations.

Compliance with Secure Communities also comes at a great cost to local communities. The deportation of immigrant parents leaves many US citizen children in foster care. Moreover, the increase in deportation rates through Secure Communities has had the unintended consequence of decreasing public safety: immigration duties drain police time and resources, and local immigration enforcement undermines police-community relationships and discourages crime reporting.

A. Law Enforcement Costs

Secure Communities strains city budgets and local communities. Most directly, local governments are forced to shoulder the burden of booking costs, immigration detainers, and the cost of compensating victims of civil rights violations through settlements and lawsuits. Perhaps the highest monetary costs to local governments come from ICE detainers. The Federal Government reimburses local governments for only a small fraction of detention costs. The Department of Justice's State Criminal Alien Assistance Program (SCAAP) disburses grants to law enforcement agencies for costs of jailing "criminal aliens," but only reimburses city, county, and state jails for certain types of inmates.⁴³ SCAAP pays for inmates who are jailed for four or more consecutive days and have been convicted of a felony or second misdemeanor. Localities are responsible for the costs of jailing all other immigrants. As detailed above, Secure Communities leads to the detention of many immigrants never convicted of a felony or of multiple misdemeanors.

Local participation in federal immigration programs also results in substantially higher costs for local jails and prisons. A recent letter from legal and advocacy organizations to the Los Angeles County Board of Supervisors regarding Secure Communities estimated that between October 1, 2008, and June 21, 2010, Los Angeles County spent \$60,138,078 to voluntarily detain people at ICE's request.⁴⁴ These figures were based on the ICE detention data acquired by NIJC and discussed above.

Aside from the defined costs of arresting and detaining immigrants, local governments should also expect to shoulder the costs associated with compensating victims of civil rights violations that occur through the program. A detainer gives ICE a maximum of 48 hours to gain custody of an individual. ICE frequently fails to gain custody of the individual within 48 hours, however, leading to costly litigation. For example, in 2007 the City of New York settled a detention case for \$145,000 after the plaintiff was held on an ICE hold for 35 days.⁴⁵ More recently, Washington State settled a similar case for damages of \$35,000.⁴⁶

The size of these settlements is significant given the program's error rate. A recent study by the Chief Justice Earl Warren Institute on Law and Social Policy at the University of California, Berkeley Law School found that Secure Communities has an error rate of 1.6 percent with respect to US citizens.⁴⁷ At that rate, approximately 3,600 US citizens have been apprehended by ICE from the inception of the program through April 2011.⁴⁸ The report does not have similar data on the error rate for detained non-citizens, although our interviews with detained immigrants indicate that many have been apprehended using incorrect identification information as well. Such cases might also lead to civil damages lawsuits.

B. Community Costs

When local law enforcement agencies cooperate with federal immigration officials, communities bear additional costs. Local governments must bear the burden of providing foster care for children whose parents are deported through Secure Communities. The Applied Research Center recently released a report entitled "Shattered Families" which sheds some light on the costs of local immigration enforcement to family unity and foster care systems.⁴⁹ The report found that nationally at least 5,100 children currently live in foster care due to the deportation of their parents.⁵⁰ Moreover, the report estimates that based on current detention and deportation rates, the number will grow by at least 15,000 in the next five years.⁵¹

Communities also bear the costs of diverted law enforcement resources. Immigration duties drain police time and resources. For that reason, the Major Cities Chiefs Police Association (MCC) has come out against local immigration enforcement, stating that "[s]ince the creation of the Homeland Security Department, federal funding for major city police departments has been greatly reduced," and "[l]ocal communities and agencies have even fewer resources to devote to such an effort than the federal government given all the numerous other demands on local police departments."⁵²

In addition, local immigration enforcement undermines police-community relationships and discourages crime reporting. The International Police Chiefs Association issued a report in 2007 stating that "law enforcement simply cannot function adequately without the support and cooperation of the populations it serves. An adequate law enforcement outreach and response to prevent fear, crime and disorder requires cooperation and understanding of all."⁵³ Secure Communities discourages immigrant communities from interacting with local police because of their fear of deportation. As former Los Angeles Police Chief William Bratton stated in a 2009 op-ed to the Los Angeles Times, "My officers can't prevent or solve crimes if victims or witnesses

are unwilling to talk to them because of the fear of being deported. . . . Criminals are the biggest benefactors when immigrants fear the police. We can't solve crimes that aren't reported because the victims are afraid to come forward to the police."⁵⁴

Finally, reports indicate that Secure Communities increases the use of racial profiling by local police. In jurisdictions where an unusually high percentage of deportations under Secure Communities are of non-criminals, the numbers suggest that police may be arresting Latinos for pretextual reasons.⁵⁵ One recent report produced by the Chief Justice Earl Warren Institute on Law and Policy at the University of California, Berkeley School of Law found that "Latinos comprise 93% of individuals arrested through Secure Communities though they only comprise 77% of the undocumented population in the United States."⁵⁶

IV. CONCLUSION AND RECOMMENDATION

Secure Communities appears to represent a choice to punish with deportation almost anyone who has had contact with law enforcement, without regard to the severe social and economic consequences of such a policy.

ICE has failed to implement Secure Communities consistent with its stated purpose, at enormous costs to the City and County of Los Angeles. The program appears to represent ICE's assumption that any contact immigrants have with law enforcement is evidence that they are a threat to the community. Thus, it is not surprising that the vast majority of those deported under the program are not dangerous criminals. The program was designed to bring into ICE custody all those who have contact with law enforcement regardless of the actual threat they may pose. This is an irreparable structural flaw in the program that cannot be corrected with remedies created for individual detainees, such as a telephonic hotline⁵⁷ or prosecutorial discretion. While ICE presents Secure Communities as a benefit to community safety, in reality the program creates mistrust between communities and law enforcement, increases racial profiling in policing, and increases social harms when families are separated through deportation.

Localities and states around the country have repeatedly complained of ICE's misrepresentations concerning the program, as well as the costs and harms it places on them. Because of those concerns, some counties have recently passed ordinances limiting their participation in the program. On September 7, 2011, for example, Cook County passed an ordinance drastically limiting ICE's access to detainees. On October 18, 2011, the Santa Clara County Board of Supervisors passed a similar resolution. Localities may pass such ordinances because detainer requests carry with them no legal duty that they be honored, a fact confirmed by federal courts, state and county counsel, and ICE officials themselves.⁵⁸

Given the documented costs to communities, families, and individuals, as well as ICE's failure to accurately represent the program, we recommend that the County of Los Angeles act to limit its participation in Secure Communities.

ENDNOTES

¹ National Immigration Project et. al., *Understanding Immigration Detainers* 22 (Mar. 2011), http://www.nationalimmigrationproject.org/legalresources/practice_advisories/pa_Understanding_Immigration_Detainers_05-2011.pdf.

² Aarti Shahani, *New York City Enforcement of Immigration Detainers: PRELIMINARY FINDINGS*, JUSTICE STRATEGIES (Oct. 2010), available at <http://www.justicestrategies.org/publications/2010/new-york-city-enforcement-immigration-detainers>.

³ US Immigration and Customs Enforcement, *Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens* (July 21, 2009), http://www.ice.gov/doclib/foia/secure_communities/securecommunitiesstrategicplan09.pdf.

⁴ See, e.g., US Immigration and Customs Enforcement, *Secure Communities Monthly Statistics through November 30, 2011*, http://www.ice.gov/doclib/foia/sc-stats/nationwide_interoperability_stats-fy2012-to-date.pdf.

⁵ US Immigration and Customs Enforcement, *ICE Secure Communities Memorandum of Agreement with California* (Apr. 10, 2009), available at http://www.ice.gov/doclib/foia/secure_communities/securecommunitiescaliforniamoa10april2009.pdf.

⁶ *Id.*

⁷ US Immigration and Customs Enforcement, *Activated Jurisdictions*, <http://www.ice.gov/doclib/secure-communities/pdf/sc-activated.pdf> (last visited Jan. 6, 2012).

⁸ Letter from Janet Napolitano, DHS Sec'y, to Zoe Lofgren, US Rep. (Sept. 7, 2010), available at <http://crocodoc.com/yzmmKP>.

⁹ The deleted text is quoted in Elise Foley, *Document on Opting Out of Immigration Enforcement Mysteriously Disappears*, WASHINGTON INDEPENDENT (Oct. 20, 2010), <http://washingtonindependent.com/101243/document-on-opting-out-of-immigration-enforcement-program-mysteriously-disappears>.

¹⁰ As quoted in *County of Santa Clara to Request to Opt Out of Secure Communities Program*, COUNTY OF SANTA CLARA (Sept. 28, 2010), http://www.sccgov.org/portal/site/scc/aspecial?path=%252Fv7%252FSCC%2520Public%2520Portal&contentId=566e8abc39a5b210VgnVCM10000048dc4a92_____.

¹¹ Text of the Resolution is available at *Arlington County Resolution Promoting Community Safety in Accordance with Constitutional Principles*, COUNTY OF ARLINGTON (Sept. 28, 2010), <http://www.arlingtonva.us/departments/CountyBoard/proclamations/page78364.aspx>.

¹² As quoted in *ICE Attributes Record Deportation Levels to Secure Communities*, DEPORTATION NATION (Oct. 6, 2010), <http://www.deportationnation.org/2010/10/ice-attributes-record-deportation-levels-to-secure-communities/>.

¹³ Brent Begin, *San Francisco County jail won't hold inmates for ICE*, SAN FRANCISCO EXAMINER (May 5, 2011), available at <http://www.sfexaminer.com/local/2011/05/san-francisco-county-jail-won-t-hold-inmates-ice>.

¹⁴ Letter from Pat Quinn, Illinois Governor, to Marc Rapp, Acting Assistant Dir. of Secure Communities (May 4, 2011), available at <http://ccrjustice.org/files/2011-05ilterminate.pdf>.

¹⁵ Letter from Charles A. Gonzales, US Rep., to Barack Obama, US President (May 5, 2011), available at <http://uncoverthetruth.org/wp-content/uploads/05-05-11-SCOMM-Letter-to-President.pdf>.

-
- ¹⁶ Official California Legislative Information, UNOFFICIAL BALLOT for AB 1081 (May 26, 2011), http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1051-1100/ab_1081_vote_20110526_1050AM_asm_floor.html.
- ¹⁷ Official California Legislative Information, AB 1081 as amended on May 16, 2011, http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1051-1100/ab_1081_bill_20110218_introduced.pdf.
- ¹⁸ Letter from Mylan Denerstein, Counsel to Governor Cuomo, to John Sandweg, Counselor to DHS Sec'y (June 1, 2011), *available at* <http://www.governor.ny.gov/assets/Secure%20Communities.pdf>.
- ¹⁹ Letter from Mary E. Heffernan, Executive Office of Public Safety and Security Sec'y, to Marc Rapp, Acting Dir. of Secure Communities (June 3, 2011), *available at* <http://crocodoc.com/8gBRiLK>.
- ²⁰ Los Angeles City Counsel Resolution 11-0002-S92 (June 7, 2011), *available at* http://clkrep.lacity.org/onlinedocs/2011/11-0002-S92_RPT_CLA_06-07-11.pdf.
- ²¹ Cook County Ordinance 11-O-73 (Sept. 7, 2011), *available at* <http://altopolimigra.com/wp-content/uploads/2011/12/CookCountyDetainers.pdf>.
- ²² Santa Clara County Resolution Adding Board Policy 3.54 relating to Civil Immigration Detainer Requests, <http://www.sccgov.org/keyboard/attachments/BOS%20Agenda/2011/October%2018,%202011/203452112/TMPKeyboard203715832.pdf>.
- ²³ Tim Craig, *D.C. won't cooperate with federal immigration enforcement*, WASHINGTON POST (Oct. 19, 2011), *available at* http://www.washingtonpost.com/local/dc-politics/dc-wont-cooperate-with-federal-immigration-enforcement-mayor-says/2011/10/19/gIQAzNSpyL_story.html.
- ²⁴ Tim Craig, *Bill will make it harder to detain suspected illegal immigrants*, WASHINGTON POST (Nov. 15, 2011), *available at* http://www.washingtonpost.com/blogs/dc-wire/post/bill-will-make-it-harder-to-detain-suspected-illegal-immigrants/2011/11/15/gIQAFjqBRN_blog.html.
- ²⁵ *MAYOR BLOOMBERG SIGNS LEGISLATION REGARDING DETAINER REQUESTS MADE BY U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT*, NYC.gov (Nov. 22, 2011), http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2011b%2Fpr421-11.html&cc=unused1978&rc=1194&ndi=1.
- ²⁶ New York City Council, *A Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained* (Nov. 22, 2011), <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=967785&GUID=9F7C289B-A8D8-4A95-8882-BF044CBB5EE2&Options=ID|Text|&Search=detainer>.
- ²⁷ Letter from Antonio Villaraigosa, LA Mayor, to Jerry Brown, Cal. Governor (Dec. 1, 2011) *available at* <http://www.docstoc.com/docs/108655659/Secure-Communities-Letter-from-LA-Mayor-Villaraigosa-to-CA-Gov-Jerry-Brown>.
- ²⁸ San Francisco Board of Supervisors, MEETING MINUES - DRAFT (Dec. 13, 2011), *available at* <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/bosagendas/minutes/2011/m121311.pdf>.
- ²⁹ Steven T. Jones, *SF supervisors urge city to defy federal immigration holds*, SAN FRANCISCO BAY GUARDIAN (Dec. 14, 2011), *available at* <http://www.sfbg.com/politics/2011/12/14/sf-supervisors-urge-city-defy-federal-immigration-holds>.
- ³⁰ Letter from Judy Chu, US Rep., et. al. to LA City Council and LA County Board of Supervisors (Dec. 16, 2011), *available at* <https://www.aclu-sc.org/documents/view/410>.
- ³¹ Memorandum from John Morton, Dir. of US Immigration and Customs Enforcement, to all ICE employees (Mar. 2, 2011), *available at* <http://www.ice.gov/doclib/news/releases/2011/110302washingtondc.pdf>.

-
- ³² Frank Stoltze, *Federal deportation program under fire in Los Angeles*, KPCC (May 13, 2011), <http://www.scpr.org/news/2011/05/13/26682/federal-deportation-program-under-fire-los-angeles/>.
- ³³ Lee Romney, *U.S. to investigate Secure Communities deportation program*, LA TIMES (May 18, 2011), available at <http://articles.latimes.com/2011/may/18/nation/la-na-secure-communities-20110519>.
- ³⁴ Memorandum from John Morton, Dir. of US Immigration and Customs Enforcement, to all Field Office Directors, et. al. (June 17, 2011), available at <http://www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf>.
- ³⁵ Kirk Semple and Julia Preston, *Deal to Share Fingerprints is Dropped, Not Program*, NY TIMES (Aug. 6, 2011), available at <http://www.nytimes.com/2011/08/06/us/06immig.html?scp=2&sq=%22secure%20communities%22%20state%20memorandum%20not%20required&st=cse>.
- ³⁶ Alexa Alonzo, et. al., *Holding DHS Accountable on Prosecutorial Discretion*, AMERICAN IMMIGRATION LAWYERS ASSOCIATION (Nov. 2011), <http://www.aila.org/content/default.aspx?docid=37615>.
- ³⁷ Julia Preston, *U.S. to Review Cases Seeking Deportations*, NY TIMES (Nov. 17, 2011), available at <http://www.nytimes.com/2011/11/17/us/deportation-cases-of-illegal-immigrants-to-be-reviewed.html?ref=immigrationandcustomsenforcementus>.
- ³⁸ Julia Preston, *Agents Union Stalls Training on Deportation Rules*, NY TIMES (Jan. 8, 2012), available at <http://www.nytimes.com/2012/01/08/us/illegal-immigrants-who-commit-crimes-focus-of-deportation.html?pagewanted=1&sq=ICE%20union%20discretion&st=cse&scp=1>.
- ³⁹ Letter from ACLU of Southern California et. al. to LA City Council (Dec. 14, 2011), available at <https://www.aclu-sc.org/documents/view/407>.
- ⁴⁰ Letter from ACLU of Southern California et. al. to LA County Board of Supervisors (Dec. 14, 2011), available at <https://www.aclu-sc.org/documents/view/408>.
- ⁴¹ A recent report suggests that the pressure TS faced to stipulate to his own deportation is a growing problem. See National Immigration Law Center et. al., *Deportation Without Due Process* (Sept. 2011), http://www.stanford.edu/group/irc/Deportation_Without_Due_Process_2011.pdf.
- ⁴² *Supra* note 4.
- ⁴³ See *BJA Programs*, BUREAU OF JUSTICE ASSISTANCE, <http://www.ojp.gov/BJA/grant/scaap.html> (last accessed Jan. 11, 2012).
- ⁴⁴ *Supra* note 40, at 6.
- ⁴⁵ Paul Wright, *Civil Rights Settlements*, NATIONAL POLICE ACCOUNTABILITY PROJECT (Summer 2011), <http://www.nlg-npap.org/newsletter/Current6.htm>.
- ⁴⁶ *Northwest Immigrant Rights Project & Center for Justice Achieve Settlement in Case of Immigrant Detained Unlawfully*, NORTHWEST IMMIGRANTS RIGHTS PROJECT (Sept. 17, 2010), <http://www.nwirp.org/news/viewmediarelease/15> (last accessed Jan. 10, 2012).
- ⁴⁷ Aarti Kohli et. al., *Secure Communities by the Numbers*, CHIEF JUSTICE EARL WARREN INSTITUTE ON LAW AND POLICY AT THE UNIVERSITY OF CALIFORNIA, BERKELEY LAW SCHOOL (Oct. 2011), available at http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.
- ⁴⁸ *Id.*
- ⁴⁹ *Shattered Families*, THE APPLIED RESEARCH CENTER (Nov. 2011), available at <http://arc.org/shatteredfamilies>.
- ⁵⁰ *Id.* at 6.
- ⁵¹ *Id.*

⁵² *Major Cities Chiefs Immigration Committee Recommendations For Enforcement of Immigration Laws By Local Police Agencies*, MAJOR CITIES CHIEFS, 6 (June 2006), http://www.majorcitieschiefs.org/pdf/MCC_Position_Statement.pdf.

⁵³ *Police Chiefs Guide to Immigration Issues*, International Association of Chiefs of Police, 24 (July 2007), <http://www.theiacp.org/PublicationsGuides/ContentbyTopic/tabid/216/Default.aspx?id=866&v=1>.

⁵⁴ William Bratton, *The LAPD fights crime, not illegal immigration*, LA TIMES (Oct. 27, 2009), available at <http://articles.latimes.com/2009/oct/27/opinion/oe-bratton27>.

⁵⁵ *Faces of Racial Profiling: A Report From Communities Across America*, Rights Working Group, 7 (Sept. 2010), <http://www.rightsworkinggroup.org/sites/default/files/rwg-report-web.pdf>.

⁵⁶ *Supra* note 47, at 2.

⁵⁷ US Immigration and Customs Enforcement, *ICE establishes hotline for detained individuals, issues new detainer form* (Dec. 29, 2011), available at <http://www.ice.gov/news/releases/1112/111229washingtondc.htm>.

⁵⁸ For a summary of information indicating the voluntary nature of ICE detainer requests, see Altopolimigra, *DETAINERS ARE VOLUNTARY*, available at <http://altopolimigra.com/wp-content/uploads/2011/12/ICE-Holds-are-Voluntary.pdf>.