



# **Immigration and Customs Enforcement (ICE)**

## **Secure Communities (SC)**

## **Standard Operating Procedures (SOP)**

**Distributed for adoption by participating county and local  
law enforcement agencies**

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## 1.0 INTRODUCTION

The Secure Communities (SC) initiative makes the removal of aliens convicted of serious criminal offenses from the United States a priority. The SC initiative's three main objectives are: (1) identify aliens in federal, state, and local custody charged with or convicted of serious criminal offenses who are subject to removal and at large aliens convicted of a serious criminal offense who are subject to removal; (2) prioritize enforcement actions to ensure apprehension and removal of aliens convicted of serious criminal offenses; and (3) transform criminal alien enforcement processes and systems to achieve lasting results.

The premise behind SC technology is biometric interoperability between the Department of Justice (DOJ) Federal Bureau of Investigation's (FBI) Criminal Justice Information Services Division (CJIS) Integrated Automated Fingerprint Identification System (IAFIS) and the Department of Homeland Security's (DHS) United States Visitor and Immigrant Status Indicator Technology's (US-VISIT) Automated Biometric Identification System (IDENT). The IDENT/IAFIS Interoperability interface connects the FBI fingerprint system housed in the FBI's CJIS Division with a DHS fingerprint system maintained by the US-VISIT program. Through IDENT/IAFIS Interoperability, a single query by a participating local law enforcement agency (LEA) checks both systems and confirms the identity and immigration status of a subject being processed during incarceration booking.

This Standard Operating Procedures (SOP) document details SC processes that enable response messages to be routed to the FBI CJIS Division and individual State Identification Bureaus (SIBs). The SOP also documents ICE's roles and responsibilities as an SC partner.

Participation in SC at the state level is predicated on a Memorandum of Agreement (MOA), signed by ICE and the participating SIB or other state authorized agency. SC is separate from the ICE 287(g) program and, as such, participation in SC will not adversely affect local agency participation in ICE 287(g) activities.<sup>1</sup>

Use of IDENT/IAFIS for the purposes of racial and/or ethnic profiling or other activity in violation of the Fourth Amendment of the United States Constitution is not permitted and may result in the suspension of the local jurisdiction engaged in the improper activity. ICE reserves the right to take appropriate remedial action if necessary.

## 2.0 STANDARD OPERATING PROCEDURES

### **2.1 The Secure Communities Process**

The SC process leverages existing FBI CJIS Division business practices to identify aliens convicted of a serious criminal offense. At the time of each booking, participating LEAs submit fingerprints to their SIB. The SIB electronically transmits the fingerprints to the FBI CJIS Division. However, National Fingerprint File (NFF) states send fingerprints to the FBI CJIS Division only at the time of the subject's initial arrest. Thereafter, criminal bookings occurring subsequent to an initial arrest in NFF states result in transmission of a Criminal Print IDENT (CPI) file maintenance message to the FBI CJIS Division. The following sub-

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<sup>1</sup> If future clarification becomes necessary, SC may make enhancements to this SOP.

sections of the SOP describe the process used to confirm the identities of aliens convicted of a serious criminal offense who are subject to removal.

**2.1.1 Local LEA submits fingerprints to the FBI CJIS Division through their SIB:**

As appropriate, the local LEA will submit a Criminal Ten-Print Submission (Answer Required) (CAR) transaction, in accordance with FBI CJIS Division procedures, to its SIB. SIB will electronically send the fingerprints to the FBI CJIS Division. FBI CJIS' receipt of the CAR will initiate both IAFIS and IDENT searches. There is no change in IAFIS processing.

**2.1.2 National Fingerprint File (NFF):** The FBI maintains only one criminal fingerprint card per individual per NFF state in which there has been an arrest. Subsequent arrest fingerprint cards from a state where the individual was previously arrested are retained at the state level. When there is a subsequent arrest of a subject in an NFF state, rather than forwarding a CAR, SIB will send a CPI file maintenance message to FBI CJIS. FBI CJIS' receipt of the CPI file maintenance message will initiate an IDENT.

**2.1.2.1** The process for an initial arrest in an NFF state is described in 2.1.1 above.

**2.1.2.2** The process for the CPI message is as follows:

- FBI CJIS receives CPI notification via National Crime Information Center (NCIC)/Interstate Identification Index (III). The CPI message contains the instant charge(s) for which the subject is being booked
- FBI CJIS utilizes the FBI number included in the CPI message to retrieve fingerprint images from the master record
- FBI CJIS forwards the fingerprint images to the IDENT repository

**2.1.3 FBI CJIS Division returns IAFIS search results on fingerprint submissions:**

SC's IDENT/IAFIS Interoperability component will not interfere with the current processes used by FBI CJIS to return IAFIS' Submissions Results-Electronic (SRE) responses to the requesting state. The originating local LEA will continue to receive FBI IAFIS responses to fingerprint submissions through its SIB.

**2.1.4 FBI CJIS Division returns a second response to the SIB:**

If there is a positive fingerprint match in IDENT, FBI CJIS will send an automatic Immigration Alien Query (IAQ) to the ICE Law Enforcement Support Center (LESC). LESL then makes an immigration status determination on the subject and simultaneously sends that status determination, known as an Immigration Alien Response (IAR), to FBI CJIS Division and to the ICE Field Office responsible for the contributing LEA. FBI CJIS will then return the IAR, along with an IDENT Data Response (IDR), to the SIB via the CJIS Wide Area Network (WAN) using the same channel as the current IAFIS SRE. This response is known as the "match IDR/IAR" message. If the state employs message routing, the SIB will route this additional message to the local LEA.

The first portion of the match IDR/IAR message contains biographic information on up to five DHS encounters with that individual, and may include: full name, date of birth (DOB), place of birth (POB), gender, system record locator, and photograph (if

available). The second portion of the IDR/IAR message is the IAR. The IAR is the LESC status determination regarding the subject's alienage as well as the subject's possible removability.

If there has been a fingerprint match, and the state has implemented message routing to local LEAs, and IDR/IAR message will be sent to the SIB within four hours of FBI CJIS receiving the subject's fingerprints. If there is no fingerprint match, no IAQ is generated by the FBI CJIS Division, and if the state has implemented message routing, a no match IFR will automatically be sent to the originating local LEA through the SIB within 24 hours of the fingerprint submission.

Initial CAR transactions from NFF states will receive an additional SRE from FBI CJIS through the same channel as the current IAFIS SRE. If there is a match, the SRE will consist of the joint IDR/IAR. If there is no match, the SRE will consist of a "no match" IDR. **Note:** NFF states will also receive an additional SRE response to CPI messages. Ordinarily, CPI messages submitted by NFF states would not result in an SRE from the FBI CJIS Division.

#### **2.1.5 ICE issues Immigration Detainer:**

For SC purposes, Level 1 offenses include the following state or federal crimes: national security violations, homicide, kidnapping, sexual assault, robbery, aggravated assault, threats of bodily harm, extortion or threat to injure a person, sex offenses, cruelty toward child or spouse, resisting an officer, weapons violations, hit and run involving injury or death, and drug offenses involving a sentencing to a term of imprisonment greater than one year. Level 2 offenses are primarily property crimes and Level 3 offenses are other crimes, primarily misdemeanors. Offenses that comprise Levels 1, 2 and 3 are included in Appendix A.

When ICE determines an alien has been charged or convicted of a Level 1 offense that could result in removal, or when an alien who is already subject to removal is charged with a Level 1 offense, ICE will file an Immigration Detainer (Form I-247) at the time of booking with the local LEA that has custody of the alien. Appendix C contains a sample Form I-247. ICE recognizes the arrested alien may be released before the detainer is issued. In such instances, ICE may request the local LEA's provide information on the alien's identification and location.

## **2.2 Requested Local LEA Cooperative Actions**

The local LEAs cooperation is vital to completing the processes of identifying, detaining and removing aliens convicted of serious criminal offenses. The LEAs cooperative actions will help ensure the identification, detention and removal process is effective and efficient. ICE requests that the LEAs:

### **2.2.1 Abide by Immigration Detainer conditions:**

The local LEA will abide by the conditions stated in the Immigration Detainer, Form I-247.

### **2.2.2 Place detainer in subject's file/record:**

The local LEA will ensure the detainer is placed in the alien's file/record.

### **2.2.3 Inform ICE if subject is transferred or released:**

The local LEA will notify ICE when an alien's release or transfer to another location is imminent. This notification should occur thirty days in advance of any release or transfer, or as soon as known, if less than thirty days.

### **2.2.4 Allow access to detainees:**

The local LEA will allow ICE Agents and Officers access to detainees to conduct interviews and serve documents.

### **2.2.5 Assist ICE in acquiring information about detainees:**

The local LEA will locate and identify the booking and/or detention information on any alien against whom ICE has lodged a detainer.

### **2.2.6 Process IDR/IARs according to FBI CJIS and US-VISIT policy:**

The local LEA will comply with FBI CJIS and US-VISIT rules and regulations when processing IDR/IAR message transmissions.

### **2.2.7 If authorized, discontinue automated IAQ transmissions:**

In some jurisdictions, an automated IAQ message is transmitted to LESC when a subject's POB is entered as "unknown" or "other than United States" during the booking process. Where the local LEA has the authority and discretion to do so, upon deployment of IDENT-IAFIS Interoperability, the local LEA will discontinue such automated IAQ processing. IDENT-IAFIS Interoperability automatically performs a function similar to the automated process, making blind booking an unnecessary duplication. However, if a "no match" IDR is received, the LEA has the option of initiating a name-based query to the LESC through the National Law Enforcement Telecommunications System (NLETS).

### **2.2.8 Outreach to Community:**

Participating LEAs are encouraged to include SC in community policing and other citizen outreach activities. Where possible, LEAs, in coordination with the local ICE DRO office, are encouraged to explain this initiative to civic and other non-governmental organizations through departmental engagement channels.

## 3.0 SECURE COMMUNITIES IDENTIFICATION PROCESS

### **3.1 Fingerprint Submission and Response Details**

This section of the SOP describes the process ICE will use to confirm the identities of removable aliens who have been charged with, or convicted of, serious criminal offenses.

#### **3.1.1 Preferred method for submitting fingerprints by the local LEA:**

Fingerprints from the LEA are electronically submitted to IAFIS. This fingerprint submission should occur at the earliest possible point in the booking process.

#### **3.1.2 FBI CJIS receives fingerprints and sends a copy to DHS US-VISIT:**

When FBI CJIS receives fingerprints submitted by the local LEA, and a copy is automatically forwarded to US-VISIT. CAR and CPI file maintenance messages will be forwarded to US-VISIT for fingerprint searches in IDENT.

#### **3.1.3 Fingerprints are searched against the FBI IAFIS and the DHS IDENT fingerprint systems:**

Fingerprints are simultaneously searched against IAFIS and IDENT fingerprint repositories. The process for routing IAFIS fingerprint submissions and responses remains unchanged, and the same process will continue under SC.

#### **3.1.4 IAFIS and IDENT search results are processed:**

If there is a positive fingerprint match in IDENT, FBI CJIS generates an IAQ that is sent to the LESC. In states where the SIB has implemented message routing to local LEAs, a “no match” in IDENT will result in FBI CJIS sending of a “No Match” IDR message to the originating local LEA through its SIB. No IAQ will be generated or sent to the LESC in the case of an IDENT “no match” response. Please refer to Section 2.2.7 to initiate an IAQ if a “no match” IDR response is received.

#### **3.1.5 LESC receives IAQ and conducts status determination:**

The LESC receives the IAQ from FBI CJIS and initiates an immigration check to determine both the alien’s immigration status and criminal history.

#### **3.1.6 LESC sends an IAR to FBI CJIS Division and the ICE Detention and Removal Operations (DRO) Field Office:**

LESC creates an IAR denoting the alien’s immigration status, criminal conviction history and pending criminal charges. In case of a fingerprint match in IDENT, within four hours of submitting fingerprints to IAFIS and IDENT, LESC returns the IAR to FBI CJIS. The LESC concurrently sends an IAR to the local ICE DRO Office.

#### **3.1.7 ICE DRO Field Office issues Detainer (Form I-247):**

Upon receipt of the IAR from the LESC, ICE will determine whether a detainer (Form I-247) should be lodged against the alien. If a detainer is determined to be appropriate, the ICE Field Office will lodge the detainer with the local LEA.

## **3.2 ICE Actions upon Receipt of IAR**

Actions described in this section are the steps ICE will take after a determination is made regarding the alien's immigration status and criminal charge.

### **3.2.1 Determine subject's alienage and removability:**

ICE alone will determine the subject's alienage and removability. When necessary, ICE will interview the subject to determine or validate alienage, criminal history and removability.

### **3.2.2 Interview subject (if necessary):**

Subject interviews may be conducted in person, telephonically, or through video conferencing (VTC).

### **3.2.3 Issue detainer if subject is charged with a Level 1 offense:**

Once ICE determines the subject has previous serious criminal convictions, or is currently charged with a serious criminal offense considered to be a Level 1 offense and is removable, ICE will lodge an Immigration Detainer (Form I-247).

### **3.2.4 Take custody of subject:**

In accordance with the language in the ICE Immigration Detainer (Form I-247), ICE will assume custody of the alien within 48 hours (not counting Saturdays, Sundays, or federal holidays) of notification of the subject's release. Upon taking an alien convicted of a serious criminal offense into custody, ICE will take immediate action to remove such aliens.

### **3.2.5 Removal of subject with pending charges:**

Normally, ICE will not remove an alien until pending criminal charges are adjudicated. If ICE desires to remove an alien whose charges have not been adjudicated, ICE will make all efforts to inform the local LEA, the prosecutor and the court with jurisdiction over the criminal offense on the status of the subject's removal proceedings.



## 4.0 APPENDIX A

### Secure Communities Levels and Offense Categories by NCIC Code

Level 1 Crimes (NCIC Code)	Level 2 Crimes (NCIC Code)	Level 3 Crimes (NCIC Code)
National Security* (0101-0199, 1602, 5204-5299)	Arson (2001-2099)	Military (0201, 0299)
Homicide (0901-0999)	Burglary (2201-2299)	Immigration (0301-0399)
Kidnapping (1001-1099)	Larceny (2301-2399)	Extortion (2102-2199)
Sexual Assault (1101-1199)	Stolen Vehicles (2401-2411, 2499)	Damage Property (2901-2903)
Robbery (1201-1299)	Forgery (2501-2599)	Family Offenses (3801, 3804-3899)
Aggravated Assault (1301-1399)	Fraud (2601-2699)	Gambling (3901-3999)
Threats (1601)	Embezzlement (2701-2799)	Commercialized Sex Offenses (4001-4099)
Extortion –Threat to Injure Person (2101)	Stolen Property (2801-2899)	Liquor (4101-4199)
Sex Offenses (3601-3699)	Damage Property w/Explosive (2904-2906)	Obstructing the Police (4802-4899)
Cruelty Toward Child, Wife (3802,3803)	Traffic Offenses (5402-5499)	Bribery (5101-5199)
Resisting an Officer (4801)	Smuggling (5801-5899)	Health and Safety (5501-5599)
Weapon (5201-5203)	Money Laundering (6300)	Civil Rights (5699)
Hit and Run (5401)	Property Crimes (7199)	Invasion of Privacy (5701-5799)
Drugs (Sentence >1 year)	Drugs (Sentence < 1 year)	Elections Laws (5999)
		Conservation (6201-6299)
		Public Order Crimes (7399)

\***National Security** violations include the NCIC coded offenses of Sabotage, Sediton, Espionage, and Treason (0101-0199); Terrorist Threats (1602); and Weapons, Arson/Incendiary Devices, and Bombing offenses (5204-5299).

## 5.0 APPENDIX B

### Acronyms and Abbreviations

Acronym/Abbreviation	Definition
CAR	Criminal Answer Required
CJIS	Criminal Justice Information Services
CPI	Criminal Print Identification
DHS	Department of Homeland Security
DOJ	Department of Justice
DRO	Detention and Removal Operations
FBI	Federal Bureau of Investigation
IAFIS	Integrated Automated Fingerprint Identification System
IAQ	Immigration Alien Query
IAR	Immigration Alien Response
ICE	Immigration and Customs Enforcement
IDENT	US-VISIT Automated Biometric Identification System
IDR	IDENT Data Response
III	Interstate Identification Index
LEA	Law Enforcement Agency
LESC	Law Enforcement Support Center
MOA	Memorandum of Agreement
NCIC	National Crime Information Center
NLETS	National Law Enforcement Telecommunications System
SC	Secure Communities
SIB	State Identification Bureau
SOP	Standard Operating Procedures
SRE	Submission Results Electronic
US-VISIT	United States Visitor and Immigrant Status Indicator Technology

## 6.0 APPENDIX C

**U.S. Department of Homeland Security** **Immigration Detainer – Notice of Action**

Subject ID :
Event No:
File No. A
Date: September 4, 2005

TO: (Name and title of institution) <p style="text-align: center;"><b>JAIL</b></p>	From: (Office address) WASHINGTON, DC, (HQ) DOCKET CONTROL OFFICE DOCKET CONTROL, OFFICE HEADQUARTERS 425 I STREET NW WASHINGTON, DC 20535
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Name of alien: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Nationality: \_\_\_\_\_ Sex: \_\_\_\_\_

**You are advised that the action noted below has been taken by the U.S. Department of Homeland Security concerning the above-named inmate of your institution:**

- Investigation has been initiated to determine whether this person is subject to removal from the United States.
- A Notice to Appear or other charging document initiating removal proceedings, a copy of which is attached, was served on \_\_\_\_\_  
(Date)
- A warrant of arrest in removal proceedings, a copy of which is attached, was served on \_\_\_\_\_  
(Date)
- Deportation or removal from the United States has been ordered.

**It is requested that you:**

Please accept this notice as a detainer. This is for notification purposes only and does not limit your discretion in any decision affecting the offender's classification, work, and quarters assignments, or other treatment which he or she would otherwise receive.

- Federal regulations (8 CFR 287.7) require that you detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sunday's and Federal holidays) to provide adequate time for DHS to assume custody of the alien. You may notify DHS by calling \_\_\_\_\_ during business hours or \_\_\_\_\_ after hours in an emergency.

- Please complete and sign the bottom block of the duplicate of this form and return it to this office.  A self-addressed stamped envelope is enclosed for your convenience.  Please return a signed copy via facsimile to \_\_\_\_\_  
(Area code and facsimile number)

Return fax to the attention of \_\_\_\_\_, of \_\_\_\_\_  
(Name of officer handling case) (Area code and phone number)

- Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- Notify this office in the event of the inmate's death or transfer to another institution.
- Please cancel the detainer previously placed by this Office on \_\_\_\_\_

BRAND L. BYERS DETENTION AND DEPORTATION OFFICER  
(Signature of Immigration Officer) (Title of Immigration Officer)

Receipt acknowledged:

Date of last conviction: \_\_\_\_\_ Latest conviction charge: \_\_\_\_\_

Estimated release date: \_\_\_\_\_

Signature and title of official: \_\_\_\_\_