

January 4, 2012

Secretary Janet Napolitano
Department of Homeland Security
3801 Nebraska Avenue NW
Washington, DC 20528

RE: Maricopa County Illustrates Need for Urgent Changes to Secure Communities Program

Dear Secretary Napolitano,

As former members of the Homeland Security Advisory Council, Task Force on Secure Communities, we note with concern the multiple findings of racial profiling of Latinos and other civil rights violations by the Maricopa County Sheriff's Office released by the Department of Justice (DOJ) on December 15.

The findings of a pattern and practice of racial profiling of Latinos in Maricopa County, Arizona, demonstrate that abuse can occur while the Department of Homeland Security (DHS) is actively collaborating with enforcement agencies through both the 287(g) program and the Secure Communities program and through informal collaboration between DHS and law enforcement agencies. These findings are only the most recent evidence of the need for immediate and significant reforms to the Secure Communities program that go beyond those recommended by the Task Force. As you are aware, the Task Force submitted a number of recommendations to you regarding the operation of the Secure Communities program. We, the signatories of this letter, were unable to ultimately endorse those recommendations as we felt they did not remedy fundamental flaws in the program's design and implementation.

The alleged unseemly conduct in Maricopa County underscores the dire need for reforms that go beyond those recommended by the Task Force. We applaud your recognition that discrimination undermines law enforcement and erodes the public trust, and your swift action to terminate the Maricopa County Sheriff's Office's 287(g) agreement and restrict the office's access to the Secure Communities program. However, to prohibit DHS from becoming a conduit for unlawful and discriminatory policing wherever it occurs and to undergird community policing principles, we strongly recommend the following measures:

1. Immediately terminate the operation of Secure Communities in states, such as Alabama, where immigration enforcement laws that have been challenged as unconstitutional by the Department of Justice are in effect.
2. Immediately terminate the operation of Secure Communities and prevent the activation of Secure Communities in jurisdictions where the Department of Justice has found discriminatory policing.
3. Suspend the Secure Communities program nationally until the reforms and safeguards recommended in the Task Force's report are fully implemented.
4. Honor localities' decisions about whether and how to participate in collaborative immigration enforcement programs with DHS.

Respectfully,

Brittney Nystrom
National Immigration Forum

Andrea Zuniga DiBitetto
AFL-CIO

Cc: Director John Morton, Immigration and Customs Enforcement
Tamara Kessler, Acting Officer, Office for Civil Rights and Civil Liberties