



Overview of CRCL/ICE Quarterly Statistical Monitoring of Secure Communities

Four times a year, beginning in June 2011, CRCL and ICE will examine Secure Communities data to identify law enforcement agencies that might be engaged in improper police practices. The data we analyze is best understood by tracking information through the Secure Communities process. The initial metrics described here will be subject to iterative improvement, over time, as the data sources improve and as we come to understand which anomalies in the data can be hallmarks of law enforcement conduct meriting further examination. We anticipate receiving stakeholder feedback, as well, to assist us in improving our monitoring techniques.

Step 1: Fingerprint Submission

The first piece of the data flow involved in Secure Communities is law enforcement agencies' **submission** of the fingerprints of individuals involved in the criminal justice process. These fingerprints are submitted to a state identification bureau, which transmits them to the Federal Bureau of Investigation (FBI) for comparison with a criminal-history database known as IAFIS (Integrated Automated Fingerprint Identification System).

It is important to recognize that a single individual may be fingerprinted by a single police department several times, as a result of repeated fingerprinting throughout the process (once at arrest, again at arraignment, and so forth). This phenomenon varies among jurisdictions; some agencies fingerprint a defendant only once from arrest through sentencing, while others fingerprint a person as many as seven times. Therefore, the number of submissions—at least for some agencies—is *not* a count of the number of arrests the agency made; instead, the volume of their submissions is much higher than their number of arrests. In our data analysis, we will “de-duplicate”—or remove duplicate fingerprint submissions from—the data to arrive at a better estimate of the number of arrest-based fingerprint submissions. (In so doing, we will unavoidably eliminate from the submission records many of those that accompanied arrests for people arrested more than once.)

Step 2: Comparison to the IDENT database

The next step in the Secure Communities process occurs when FBI transmits the **submissions** to a unit at DHS called US-VISIT (United States Visitor and Immigrant Status Indicator Technology). At US-VISIT, the submissions are automatically compared to a second database, called IDENT (Automated Biometric Identification System). The IDENT database contains fingerprint records for millions of individuals with prior immigration encounters, such as an application for a visa or a prior removal from the United States.

If submitted fingerprints match an non-U.S. citizen's IDENT record, that individual is an **IDENT match**. The ratio of matches to submissions for a given jurisdiction, over a period of time, is the **match rate**.

Statistical Monitoring Tool 1: Match Rate

For each jurisdiction, data from the U.S. Census (in particular, the American Community Survey), establishes the percentage of the population born outside the United States. We examine whether the proportion of arrestees with an IDENT match in a given jurisdiction differs markedly from census estimate of foreign-born percentage. A very high IDENT match rate—more than twice the census foreign-born percentage—could be a “yellow flag” that police are concentrating law enforcement activities in immigrant communities, and so could be the basis for further inquiry.

Step 3: Review of Criminal History of IDENT matches

An IDENT match is not a determination that immigration enforcement activity should occur. It's simply a lead, on which ICE can do additional work to decide whether the alien in question is removable, and whether such a removal would be an appropriate use of ICE resources.

All of the individuals with an IDENT record are referred to ICE's Law Enforcement Support Center (LESC), which looks at other databases to quickly review the individual's criminal history and

immigration status. LESC identifies individuals who, from its limited information, have either previously been convicted for, or have just been arrested for, an **aggravated felony**—a set of felonies defined by federal immigration law. The LESC then transmits information on aliens who appear to be removable to ICE field offices, along with an indication whether the alien appears to have an aggravated felony history. **NOTE:** The FBI-created “federal rap sheet” on which LESC relies for the criminal history does not always include full data on convictions, and details of the most recent arrests take time to arrive, so this part of the process proceeds without full information.

Statistical Monitoring Tool 2: Match Volumes by Seriousness of Criminal History

Using FBI data on crime within each jurisdiction—the Uniform Crime Reports (UCR)—we expect a certain ratio of aggravated felony arrests to other arrests. By comparing that ratio to the aggravated felonies identified by LESC within the set of potentially removable aliens, we can identify jurisdictions that appear to be arresting an anomalous proportion of lower-level alien offenders. Jurisdictions whose IDENT matches show an unusually high proportion of lower-level offenders, relative to that jurisdiction’s crime patterns and demographics, may merit a closer examination.

Step 4: Administrative Arrest

If ICE chooses to pursue removal against an individual identified in Step 3 and referred to a field office, it will administratively arrest him or her and commence removal proceedings. At this point, the individual’s criminal history is assigned to a category, in accordance with ICE’s removal priorities: **Level 1** for persons convicted of an aggravated felony, or two or more other felonies; **Level 2** for persons with one other felony, or three or more misdemeanor, convictions; and **Level 3** for persons with only two or fewer misdemeanor convictions. ICE also pursues **non-criminal immigration violators**; that is, individuals subject to removal with no criminal conviction documented in ICE’s system or the federal rap sheet.

Step 5: Removal and Return

Upon the conclusion of removal proceedings, a removable alien will be removed; or the alien may take voluntary departure prior to, or at the conclusion of, removal proceedings. Which aliens are removed at the end of this process does not directly correspond to the population arrested, of course, because of the many points in between where prosecutorial discretion and other case-specific factors will play a role. But biased arrest patterns might influence the set of aliens removed.

Two important caveats: First, many of the identified “non-criminal immigration violators” actually *do* have criminal convictions that are not in federal records, and many more may fit within ICE priorities for reasons other than their criminal history, such as a prior removal or failure to appear for an immigration proceeding. Second, because of data entry delays, it is common for an alien to be removed before the tracking database reflects a conviction on the most recent arrest (although not before the ICE enforcement officer knows about the conviction). Therefore, over the weeks and months following removal, aliens initially recorded as non-criminal removals are often reclassified into a criminal history category based on their last arrest and conviction.

Statistical Monitoring Tool 3: Removal Proportions

Using ICE’s removal data, we can compare the rates of misdemeanor and non-criminal immigration violator removals. Jurisdictions with high rates of those lower-priority removals could merit further examination to see if the removal rates are being driven by distorted arrest rates not detected through other metrics.

Once a jurisdiction is identified as meriting further examination, because of one of these three monitoring indicators, the next steps are to use additional data sources to look at that jurisdiction’s arrest and enforcement patterns, and possibly to conduct a factual investigation in the field.