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You've probably read by now that there are between 10-12 million people in the U.S. who don't have a valid immigration status. Within that group there are some people who will, or have, encountered our criminal justice system. One of the questions that has been considered by the government is: How many of the people in this group have been convicted of non-immigration related crimes while in the U.S.? In news that isn't surprising, the Obama administration recently signaled its continuing effort to take a more aggressive approach to identifying and removing criminal aliens from the U.S. by expanding on the Secure Communities program, an effort initiated by President George W. Bush.

As the Washington Post recently reported, the Secure Communities program will allow for a more thorough fingerprint analysis, which will essentially result in checking the immigration status of every person booked into a local jail. By expanding how fingerprints are used and reviewed, U.S Immigration and Customs Enforcement (ICE) hopes to actually identify those persons who should be deported before they are released from custody back into the community.

In terms of background, in March 2008, U.S Immigration and Customs Enforcement (ICE) released information about a program known as, "Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens." The program allows law enforcement officials to check an arrestee's fingerprints during the booking process against both FBI records as well as U.S. Department of Homeland Security (DHS) records. In terms of identifying criminal aliens, the government believes that over time there will be a significant increase in the number of dangerous criminal aliens being identified through the Secure Communities program.

In his budget proposal for 2010, President Obama recently requested $200 million for the program. While testifying before a House Appropriations Committee, David Venturella, Executive Director for the Secure Communities Program at ICE, stated that the program would increase national security and community safety by identifying, processing and removing deportable criminal aliens. He also testified that the program would likely be expanded even further and result in the deployment of biometric identification in other phases of the enforcement process.

Implementing a program like Secure Communities will take some real coordination from government and local officials. As noted by Stewart Baker, former Assistant Secretary of DHS, if there is an increase in deportation cases, it will be necessary that we have more prosecutors, officers, immigration judges and holding cells at a minimum. Venturella admits that getting the state, federal and local databases coordinated is not going to happen overnight and could take several years. He also notes that ICE's efforts will definitely increase the workload for the removal hearing process, which is overseen by the Executive Office for Immigration Review (EOIR) at DOJ. As with any new program,

until it's actually off and running, the true costs will only be known once there has been time to assess the implementation.

The Secure Communities program was initially rolled out in Texas and North Carolina. Automatic biometric identification has been implemented at 48 sites in seven states, serving 2,100 booking locations. ICE expects that the program should be fully implemented in every jail and prison throughout the U.S within the next four years. The program has been embraced because its purpose is to focus on and deport those immigrants involved in illegal activity. However, critic's note that the program is currently applied the same to all immigrants, irrespective of innocence or guilt of the underlying charge. This could lead to some harsh results for those who shouldn't be viewed or considered as dangerous criminal aliens.

As local jails begin using the Secure Communities program there are many questions that will need to be addressed, including: What type of process will be in place to ensure that each person's civil rights are maintained? How do we ensure that those improperly caught in the program aren't deported wrongly? Will ICE have a process in place for dealing with individuals who have committed non-violent or property related crimes from those who have been convicted of major drug offenses and violent crime?

The purpose and goals of the Secure Communities Program appears to offer many benefits to the U.S. The implementation of the program must be scrutinized closely in order to ensure that the process is administered fairly.

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