



**BLURRING THE LINES:
A Profile of State and Local
Police Enforcement of Immigration Law
Using the National Crime Information
Center Database, 2002-2004**

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EXECUTIVE SUMMARY

Since the September 11, 2001 terrorist attacks, the United States Department of Justice has sought to engage local police in the systematic enforcement of routine civil immigration violations, marking a sea change in immigration and local law enforcement practices. The Department has justified this new policy as a critical element of its counter-terrorism programs and an important “force multiplier” for its immigration enforcement operations. As part of this effort, thousands of civil immigration records have been entered into the National Crime Information Center (NCIC) database, a Federal Bureau of Investigation (FBI) system used primarily by police around the country to exchange criminal history information and to identify individuals with outstanding warrants.

The newly established NCIC Immigration Violators File (IVF) now includes records regarding three immigration offenses: (1) persons previously convicted of a felony and deported; (2) persons allegedly subject to a final deportation, exclusion, or removal order (“absconders”) but who remain in the country; and (3) persons allegedly in violation of a requirement of the National Security Entry-Exit Registration System (“NSEERS violators”). Now, an immigration “hit” occurs when a name and other identifying information entered in an NCIC query returns a positive response. The Bush Administration also announced plans to enter additional immigration records into the IVF, including those relating to alleged student visa violators, although it later signaled ambivalence about such an expansion.

Earlier this year, in partial settlement of a Freedom of Information Act lawsuit, the United States Department of Homeland Security (DHS) released data about use of the NCIC immigration records by state and local police forces from 2002 to 2004. This report provides the first public glimpse of how the new NCIC policy has affected on-the-ground policing strategies across the country and which immigrant groups have been most heavily impacted. Key findings include:

- Forty-two percent of all NCIC immigration hits in response to a police query were “false positives,” where DHS was unable to confirm that the individual was an actual immigration violator.
- Maine had the highest rate of false positives – 90 percent of calls from that state could not be confirmed by DHS. California had the lowest rate, with 18 percent of total calls unconfirmed.
- Eighty-five percent of all immigration violators identified in a statistically significant sample of NCIC hits were from Latin America. Seventy-one percent were from Mexico.

- The number of “absconders” identified annually through the NCIC increased by nearly 25-fold from 2002 to 2004.
- Police have identified no NSEERS violators through the use of the NCIC.
- On a state-wide basis, law enforcement in California, Texas, Florida, Arizona, and New York utilized the NCIC immigration records the most. Vermont and Montana had the lowest gross number of NCIC immigration hits.
- State-wide, Nebraska and South Carolina law enforcement utilized the NCIC immigration records the most in relation to the state’s total unauthorized population.
- Of individual police departments, the Los Angeles County Sheriff’s Department and Los Angeles Police Department, as well as other southern California departments, contacted DHS the most in response to NCIC immigration hits. The Phoenix Police Department, the Texas State Police, and the New York Police Department also ranked highly.

The findings contained in this report confirm that the immigration records in the NCIC are not effective for widespread use. Not only do these inaccurate records clutter the database, they also appear to divert officer time and attention from local public safety priorities. The increasing frequency of local police recording NCIC immigration hits almost certainly results in more police detentions and arrests for civil immigration violations, consuming increasing amounts of police resources over time. Wrongful detentions and the high rate of absconder arrests seem likely to undermine community trust in local police forces. Additionally, demographic information of immigrants identified by NCIC indicates that the NCIC immigration files are not being used to further a targeted anti-terrorism agenda, the principal justification offered for the Department of Justice’s policy. Rather, the use of these records has mostly resulted in indiscriminate arrests of Mexican and other Latin American nationals.

Section I of this report outlines the history of state and local police involvement in immigration enforcement and summarizes the policy debate surrounding this issue. Section II presents and analyzes the new data regarding the use of the NCIC immigration files. The section first describes the demographics of individuals identified by the NCIC as immigration violators and then analyzes the activity of state and local police in this area. Finally, the report discusses the limitations of the data released by the government. The report also includes appendices which provide more detailed information about each of the twenty state and local agencies most active in utilizing NCIC immigration records, as well as data on NCIC immigration hits from school campuses and airports.

I. BACKGROUND ON STATE AND LOCAL IMMIGRATION ENFORCEMENT

As part of its response to the attacks of September 11, 2001, the Department of Justice (DOJ) has expanded the reach of its anti-terrorism activities by creating new roles for state and local law enforcement agencies. One responsibility it has attempted to devolve to local police is the apprehension and detention of alleged immigration law violators. This initiative represents an expansion of police authority and a reversal of longstanding DOJ policy that reserved the responsibility for immigration enforcement to the federal government. Proponents of the new policy argue that such measures would increase the government's capacity to arrest and deport suspected terrorists and immigration violators. However, those opposed have warned that it threatens to undermine the often delicate relationships of police departments with immigrant communities, divert scarce police resources from fighting crime, and heighten the risk of civil rights violations such as racial profiling.

A. The Role of State and Local Police in Immigration Enforcement

While there are criminal penalties associated with certain immigration violations, the majority of immigration offenses and proceedings are civil or administrative in nature. Historically, police departments primarily concerned themselves with enforcement of criminal law, while the federal government had exclusive responsibility for addressing civil immigration violations. For decades, this division of labor was official DOJ policy, until an abrupt change in 2002.

Pre-September 11 Department of Justice Policy

The federal government has previously addressed the distinction between criminal and civil enforcement and the scope of local authority. In 1974, the Immigration and Naturalization Service (INS) concluded that local police lacked authority to arrest a person subject only to an administrative warrant of deportation, and as a result the Federal Bureau of Investigation (FBI) suspended its prior practice of entering immigration records into the NCIC database. In the mid-1980s, INS sought to revisit the issue, but in 1989 the DOJ Office of Legal Counsel (OLC) concluded in an opinion memorandum that police were lawfully permitted to detain and arrest immigrants only for criminal violations of the Immigration and Naturalization Act. OLC explained that police authority did not include the power to arrest based merely on suspicion of civil immigration violations. Accordingly, OLC advised the FBI that because the issuance of an administrative warrant of deportation did not mean that a criminal law had been

violated, it would be inappropriate to include the names of individuals with deportation warrants in criminal justice databases used by law enforcement agencies, such as the National Crime Information Center (NCIC) database. The position was reaffirmed in a second OLC opinion issued in 1996. Both memoranda reflected decades-old policy based on clear distinctions between criminal and civil immigration law, and local/state and federal authority.

The year 1996 also saw the enactment of two statutes that addressed the role of local police in immigration enforcement. The Anti-Terrorism and Effective Death Penalty Act granted police new authority to detain or arrest one narrow class of immigrant offenders — previously deported felons — and also permitted the FBI to include records relating to previously deported felons in the NCIC database. Later the same year, the Illegal Immigration Reform and Immigrant Responsibility Act created the Memorandum of Understanding (MOU) process, whereby state and local agencies willing to enforce immigration laws could enter into written agreements with the Justice Department that set training, funding, and legal guidelines for their expanded responsibilities.

Post-September 11 Department of Justice Policy

After the September 11 attacks, DOJ sought to involve local police in new immigration enforcement initiatives, often justified by the Administration as counter-terrorism efforts.

Expanded NCIC Use

The NCIC database is a computerized index of criminal justice information operated by the FBI as a service for local law enforcement agencies. Each day, police officers run millions of checks of the NCIC during routine encounters such as traffic stops or arrests. Originally established by the International Association of Chiefs of Police a century ago, Congress authorized the DOJ to maintain a clearinghouse of fingerprint records, rap sheets, and warrants in 1930, subject to statutory limitations now codified at 28 U.S.C. § 534 (identifying records that may lawfully be entered into and disseminated via the NCIC). Over the past century, Congress has expanded the categories of records approved for entry into the NCIC, adding authority for missing and unidentified person records (28 U.S.C. §§ 534(a)(2), (3) (1982)) and civil orders of protection in cases of stalking or domestic violence (28 U.S.C. § 534(e)(1) (1994)). In 1996, for the first time, Congress authorized the inclusion of select immigration records in the database when it approved the entry of records relating to previously deported felons. 8 U.S.C. § 1252c.¹ Congress has not, however, amended the NCIC statute to allow entry of civil immigration records other than those relating to previously deported felons.

¹ The same law provides for the arrest of these persons when encountered by state and local police.

Despite Congress' decision not to authorize inclusion of civil immigration records such as administrative warrants of deportation in the NCIC database, in December 2001, the INS Commissioner testified before Congress that the agency would soon begin entering into the NCIC hundreds of thousands of "absconder" records, relating to persons INS believed to have ignored a deportation, exclusion, or removal order. In January 2002, Deputy Attorney General Larry Thompson added that priority would be given to the entry of records of absconders from "countries in which there has been Al Qaeda terrorist presence or activity."² Although the willful failure to depart after entry of a final removal order carries criminal penalties, deportation itself is an administrative proceeding. In fact, two-thirds of deportation orders are issued *in absentia*, to people who may not have received notice that a hearing had been ordered.³

Next, in June 2002, Attorney General John Ashcroft announced the creation of the National Security Entry-Exit Registration System (NSEERS), which required certain individuals — mostly men and boys from predominately Arab and Muslim countries — to report for registration, fingerprinting, and photographing. People whom INS determined had not complied with a requirement of the program would be entered into the NCIC as "NSEERS violators" so that local police who encountered them could make an arrest.⁴ Finally, in December 2003, DHS officials stated their intention to add records of student visa violators and persons deported for minor criminal offenses into the NCIC. Other officials subsequently retreated, indicating that no final decision had been made as to student visa violators. Legislation currently pending before Congress would further expand use of the NCIC to enforce immigration law.⁵ Because the entry of records relating to deported felons was authorized in 1996, they continue to make up the largest category of records in the NCIC Immigration Violators File (IVF).

² Memorandum from the Deputy Attorney General, *Guidance for Alien Absconder Initiative*, January 25, 2002.

³ Nina Bernstein, "Old Deportation Orders Leading to Many Injustices, Critics Say," *The New York Times*, Feb. 19, 2004.

⁴ The entry of absconder and NSEERS violators records into the NCIC and their dissemination to local police are presently the subject of federal litigation. See *Nat'l Council of La Raza v. Ashcroft*, No. 03 Civ. 6324 (E.D.N.Y.), *motion to dismiss pending*. See also *Doe v. ICE*, 2004 WL 1469464 (S.D.N.Y. June 29, 2004) (non-criminal immigration record may not lawfully be entered in NCIC), *government motion for reconsideration pending*. One author of this report is counsel for plaintiffs in the former lawsuit and counsel for *amicus curiae* in the latter, and served also as co-counsel for plaintiffs in the suit described in note 6, *infra*.

⁵ The Gang Deterrence and Community Protection Act of 2005, HR 1279, passed by the House May 11, 2005, the Homeland Security Enhancement Act, S 1362, and the Clear Law Enforcement for Alien Removal (CLEAR) Act, HR 3137, would add four categories of immigration records to the NCIC: individuals against whom a final order of removal has been issued, who have signed a voluntary departure agreement, who have overstayed their visas, or whose visas have been revoked. The records would be added regardless of whether the individual had received notice of a final order of removal or had already been removed, and regardless of whether sufficient identifying information exists about the individual. HR 1279 § 117, S 1362 § 6, HR 3137 § 5.

“Inherent Authority”

In April 2002, the media reported that the DOJ’s Office of Legal Counsel had issued a new opinion overturning the 1996 and 1989 memos and concluding that local police have the “inherent authority” to enforce all immigration laws, whether civil or criminal. DOJ refused to release its new enforcement policy, but it initiated a public campaign to encourage local police and prosecutors to exercise this power and make routine immigration arrests. Several police departments across the country objected to this new responsibility, and civil rights lawyers and scholars criticized the OLC’s conclusion as incorrect. DOJ continued to refuse to make the opinion public, however, until 2005, when the US Court of Appeals for the Second Circuit affirmed a prior District Court ruling directing release of the document.⁶

Members of Congress have introduced legislation to resolve the debate about the immigration authority of local police by endorsing the analysis of the 2002 OLC opinion and “reaffirming” the “inherent authority” of police,⁷ but to date Congress has not enacted any of these measures.

Memoranda of Understanding

In 1996, Congress established a statutory procedure by which state or local jurisdictions that wished to enforce federal immigration laws could be deputized to do so, upon execution of a written agreement and subject to the supervision and training of federal immigration officials. 8 U.S.C. § 1357(g). Since September 11, DOJ officials have encouraged local jurisdictions to execute such Memoranda of Understanding (MOUs) in conformity with the statutory procedure, and several states have done so, including Florida and Alabama. These agreements typically authorize a small number of local law enforcement or corrections officials to exercise federal immigration powers after completing a training program and while subject to federal supervision. Other jurisdictions, including Salt Lake City, Utah and Suffolk County, New York have publicly debated pursuing MOUs but ultimately declined to execute them.

⁶ See *Nat’l Council of La Raza v. U.S. Dep’t of Justice*, 411 F.3d 350 (2d Cir. 2005) (directing release pursuant to Freedom of Information Act). The 2002 OLC opinion is available on the American Civil Liberties Union website at <http://www.aclu.org/ImmigrantsRights/ImmigrantsRights.cfm?ID=19039&c=22>.

⁷ See, e.g., Clear Law Enforcement for Alien Removal (CLEAR) Act, HR 2671, 108th Cong. (2003); Homeland Security Enhancement Act, S 1906, 108th Cong. (2003).

B. The Current Policy Debate

Those in favor of devolving immigration enforcement authority to local police argue that stepped-up immigration enforcement is essential to fighting terrorism. Such an effort, they maintain, requires an increase in resources beyond the capacity of the federal government. Some of those in favor of empowering local law enforcement to make immigration arrests also point to growing numbers of illegal immigrants in the United States as a problem requiring greater attention.

Proponents additionally claim that there are valuable counter-terrorism roles that local police can play. In 2004 testimony before the Senate Judiciary Committee, former Counsel to the Attorney General Kris Kobach contended that the September 11 attacks revealed vulnerabilities in the nation's immigration enforcement armor that allowed terrorists to operate undetected. He argued that when police observe suspicious activity potentially connected to terrorism, they will be able to make more preventative arrests if they have the additional grounds of an immigration violation to provide a legal basis for the arrest. Kobach advocated continuing the practice of adding the names of alleged NSEERS violators and absconders into the NCIC so that the government can disseminate immigration information among law enforcement agencies as widely as possible.⁸

Other senior Administration officials have justified the expanded use of the NCIC on similar anti-terrorism grounds. As White House Counsel Alberto Gonzales explained in 2002, "The Administration is taking ... measures [to include names of immigration violators in the NCIC] in its effort to strengthen homeland security and combat terrorism."⁹ Kobach, while still serving in the DOJ, also echoed this sentiment, stating that priority was being given to entering NSEERS violators and absconders from countries where there was an "active Al-Qaida activity or recruiting presence."¹⁰ And the Deputy Attorney General explained in his instructions for the Alien Absconder Initiative that the DOJ's focus on "priority absconders" was based on the hypothesis that they might "have information that could assist our campaign against terrorism."¹¹

Finally, apart from counter-terrorism objectives, some proponents claim that better integrating local police into the federal immigration effort will provide a massive "force multiplier" to assist overburdened federal agents. Senator Jeff Sessions (R-AL), a supporter of the shift in policy, has noted that while the INS had less than 2,000 special agents working on domestic enforcement of immigration law at the time it became part

⁸ Senate Committee on the Judiciary, *State and Local Authority to Enforce Immigration Law: Evaluating a Unified Approach For Stopping Terrorists*, 108th Cong. (April 22, 2004) (statement of Kris Kobach).

⁹ Alberto Gonzales, Counsel to the President, Letter to Demetrios Papademetriou, Migration Policy Institute (June 24, 2002), available at <http://www.migrationpolicy.org/files/whitehouse.pdf>.

¹⁰ FBI Advisory Policy Board Meeting Minutes, 5 (October 6, 2003) (statement by Kris Kobach, Counsel to the Attorney General).

¹¹ Memorandum from the Deputy Attorney General, *supra* note 2.

of the DHS in 2003, there are currently over 700,000 state and local law enforcement officers.¹² These officers, he asserts, “serve as the eyes and ears of our communities and regularly come into contact with criminal and deportable illegal aliens during the course of their normal duties.”¹³ Permitting police to make immigration arrests will “restore the rule of law to immigration,”¹⁴ a system that is currently “such a failure that it makes a mockery of our law.”¹⁵ Representative Charlie Norwood (R-GA), sponsor of the CLEAR Act, has called “the lack of enforcement of our immigration laws” a “major crisis in our country.” In floor statements he acknowledged that immigration enforcement should be a federal responsibility, but explained that federal enforcement has proven ineffective, making the assistance of local law enforcement necessary.¹⁶

On the other hand, critics have identified numerous negative consequences of deputizing local police to arrest immigration violators—critics that range from police officials and immigrant advocates to the Heritage Foundation and civil liberties groups. They argue that police enforcement of ordinary immigration law will have damaging effects on immigrants’ safety and civil liberties and will distract police officers from their primary responsibility of preventing and investigating crimes.

Critics of the shift in responsibility maintain that police officers lack the training to engage in immigration enforcement. They point to the lengthy and rigorous initial training program that federal immigration agents must go through, which is necessary for fair and effective immigration enforcement but is not available to state and local police. No funding or other provisions for proper training have been offered by the federal government, nor do most police departments have the resources to initiate their own in-house programs.

Some opponents fear that as a result of their lack of training on immigration law, some police may resort to racial profiling as a way to identify potential immigration violators, targeting individuals based on accent or appearance.¹⁷ Because individuals’ immigration status is subject to frequent change, it is also difficult to ensure that the

¹² Jeff Sessions & Cindy Haydens, “The Growing Role for State and Local Law Enforcement in the Realm of Immigration Law,” 16 *Stan. L. & Pol’y Rev.* 323, 325 (2005).

¹³ *Id.* at 326.

¹⁴ *Id.* at 325.

¹⁵ *Id.* at 326.

¹⁶ Representative Norwood, speaking in support of the CLEAR Act, 109th Cong., *Congressional Record* 151 (June 23, 2005): H5078.

¹⁷ See, e.g., Lisa M. Seghetti, et al., *Enforcing Immigration Law: The Role of State and Local Law Enforcement*, Congressional Research Service Report, 23 (March 2004), at <http://fpc.state.gov/documents/organization/31349.pdf>; Michele Waslin, *Immigration Enforcement by Local Police: The Impact on the Civil Rights of Latinos*, National Council La Raza Issue Brief No. 9, 16, (February 2003), at <http://www.nclr.org/content/publications/detail/1390/>.

NCIC database contains current information.¹⁸ Incorrect information coupled with a lack of training, they argue, will frequently lead to misidentifications, wrongful arrests, and illegal detentions. In this regard, the Attorney General's decision in 2003 to exempt the NCIC database from the accuracy requirements of the Privacy Act¹⁹ will likely only exacerbate the risk of inaccurate immigration records in the NCIC leading to wrongful arrests. In addition to the harm suffered by immigrant communities, increased profiling and wrongful detention expose police departments to legal liability.

Additionally, opponents warn that adding enforcement responsibilities without commensurate increases in staff and funding will overburden police resources that are already stretched thin. Having to attend to civil immigration matters will decrease the amount of time available to officers to engage in their primary responsibility: preserving community safety and arresting criminals.²⁰ Critics have argued further that adding thousands of immigration records to the NCIC database will cause it to become cluttered, making it difficult for officers to distinguish this information from information about more serious offenders.²¹

Finally, critics have emphasized the deterrent effect that fear of deportation will have on immigrants who would otherwise report information about crimes, including victims and witnesses.²² Even legal immigrants may hesitate to cooperate with police who enforce immigration laws, for fear that frequent changes in immigration law may have altered their status or that cooperation may imperil the status of an unauthorized household member. Increased fear of cooperating with police may also make immigrant communities more vulnerable as targets for criminals who know these communities are less likely to report crimes. Thus, delegating immigration enforcement to local police may actually increase crime in immigrant communities by turning them into safe havens for criminals.²³ Many police departments have worked hard to develop a relationship of trust with the communities in which they work. Because they fear undermining those years of effort, some police departments have declined to participate in the DOJ's initiatives.

¹⁸ James Carafano, *No Need for the CLEAR Act: Building Capacity for Immigration Counterterrorism Investigations*, Heritage Foundation Executive Memorandum No. 925 (April 2004), at <http://www.heritage.org/Research/HomelandDefense/em925.cfm>.

¹⁹ 68 Fed. Reg. 14140-01 (March 24, 2003) (promulgating final rule exempting NCIC from Privacy Act). The Privacy Act imposes obligations on federal agencies to ensure the accuracy of their records, but allows the Attorney General to exempt certain law enforcement databases from this requirement. 5 U.S.C. § 552a(e), (j), (k). The exemption of the NCIC may be of no legal effect, however, as the US Court of Appeals for the DC Circuit had previously held that the NCIC statute itself, 28 U.S.C. § 534, imposed on the FBI a reasonable duty of care to ensure the accuracy of records in the database. *Tarlton v. Saxbe*, 507 F.2d 1116 (D.C.Cir. 1974).

²⁰ Waslin, *supra* note 16, at 16.

²¹ Carafano, *supra* note 18.

²² Craig E. Ferrell, "Immigration Enforcement: Is It a Local Issue?" *The Police Chief* 71 (2) (February 2004), available at http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display&article_id=224&issue_id=22004.

²³ Waslin, *supra* note 17, at 11.

II: NEW DATA AND ANALYSIS

The Legal Enforcement Support Center (LESC), a unit of ICE, provided the data contained in this report in three forms, in partial settlement of a Freedom of Information Act lawsuit. First, LESG supplied aggregate data summarizing the total numbers of law enforcement confirmation calls, including calls that were eventually confirmed as NCIC immigration violators and those that were not. This data was further disaggregated by year (2002 to 2004), state of origin of the querying law enforcement agency, type of immigration offense, and gender. Second, LESG randomly generated a statistically significant sample of 1,100 confirmed hits to examine demographic data of the subjects of confirmed hits.²⁴ Finally, LESG provided records listing all confirmed and unconfirmed hits by law enforcement agency and year. Throughout this report, unless otherwise noted, the totals calculated have been derived from this final data source, since it is the most comprehensive and specific available.

According to the procedure developed by the FBI and DHS's Bureau of Immigration and Customs Enforcement (ICE), when a query of the NCIC database yields an immigration violator record, officers are instructed to contact the Legal Enforcement Support Center (LESC), staffed by operators twenty-four hours a day, to verify the information contained in the NCIC. This confirmation might occur in the field at the moment the officer receives the NCIC report, or only later, after the officer has arrested the individual and taken him or her back to a station house or other police facility.²⁵ If LESG confirms that the individual has an immigration violation, it will issue an immigration "detainer notice" requesting that the police department hold the individual pursuant to the administrative immigration warrant already entered into the NCIC.²⁶ If LESG informs the officer that the NCIC information is erroneous, the individual will then be released absent other grounds for detention, such as probable cause to believe the individual has committed a crime.

From 2002 to 2004, LESG reported a total of 20,876 NCIC immigration hits from state and local law enforcement agencies.²⁷ LESG confirmed 12,128 (58 percent) of these and did not confirm the remaining 8,748 (42 percent).

²⁴ Because six of the randomly selected records turned out to be duplicates, the final sample included 1,094 confirmed hits.

²⁵ The data does not reveal the duration of detention by the local police for the purposes of confirmation.

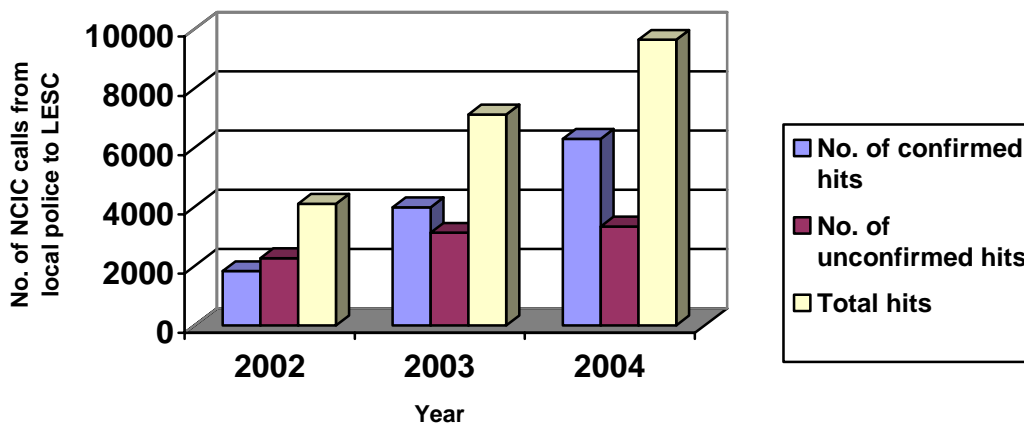
²⁶ LESG will not issue a detainer only in the rare cases when the individual is already in custody of the Department of Homeland Security or not in custody at all.

²⁷ LESG provided some records that appeared to be connected to federal agencies; these have been removed for the purposes of the totals in this report. See Endnote on Data Methodology.

A. Persons Subject to NCIC Immigration Hits

Members of the current Bush Administration have described the immigration files entered into the NCIC as carefully “scrubbed.”²⁸ However, the number of people incorrectly identified by NCIC as immigration violators is extremely high (see Figure 1). In fact, the erroneous NCIC immigration hits outnumbered confirmed hits in 2002. This is not surprising, given the very high rate of errors generally contained in immigration files, a concern noted by the US General Accountability Office (previously the General Accounting Office)²⁹ and likely exacerbated by the exemption of the NCIC from Privacy Act accuracy requirements. While the NCIC immigration record error rate³⁰ has improved since 2002, it remained at an extremely high rate of 35 percent of total calls in 2004. Moreover, as the *rate* of error decreases, the *number* of NCIC immigration-related calls to LESC has increased. Thus, the actual number of individuals wrongly detained pursuant to an initial NCIC query that LESC subsequently fails to confirm has almost certainly risen.³¹ Not only does this high rate of error indicate that the records entered into NCIC are problematic, it also suggests that police erroneously detain thousands of individuals, with potentially detrimental implications for community policing strategies and the use of limited police resources for public safety activities.

Figure 1: NCIC Misidentified Persons



²⁸ FBI Advisory Policy Board Meeting Minutes, 5 (October 6, 2003) (statement by Kris Kobach, Counsel to the Attorney General).

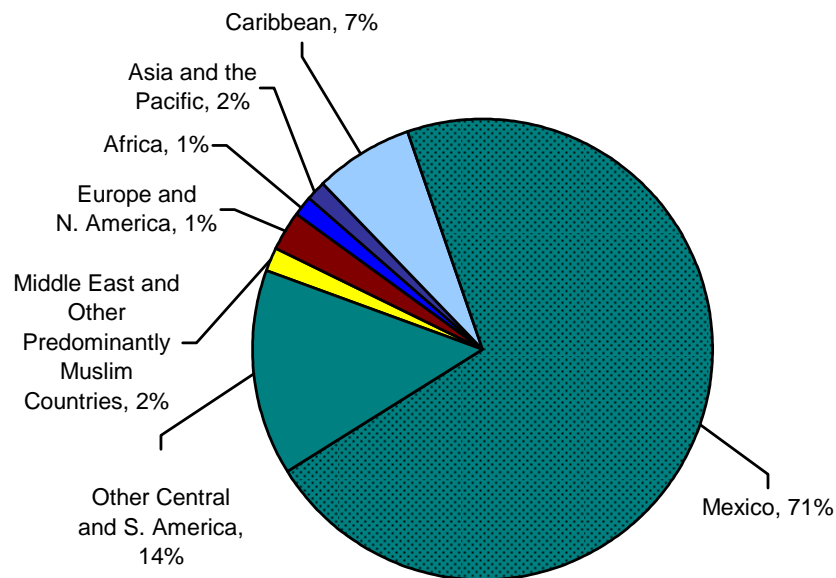
²⁹ For a compilation of GAO and DOJ Office of the Inspector General (OIG) reports noting immigration data accuracy problems, see National Immigration Law Center, *INS Data: The Track Record*, at <http://www.nilc.org/immlawpolicy/misc/INS%20data%20accuracy.pdf>.

³⁰ “Error rate” is defined as the percentage of total NCIC hits that LESC did not confirm as actual immigration violators.

³¹ The DHS data does not reveal the duration of detention, if any, by the local police.

The demographics of individuals who were correctly identified by the NCIC as having immigration violations are displayed below (see Figure 2). Notably, the overwhelming majority — over 85 percent — of individuals identified through state and local use of the NCIC immigration records between 2002 and 2004 were nationals of Latin American countries. Seventy-one percent of all individuals identified were from Mexico alone.

Figure 2: Region/Country of Origin of Confirmed NCIC Immigration Violations³²

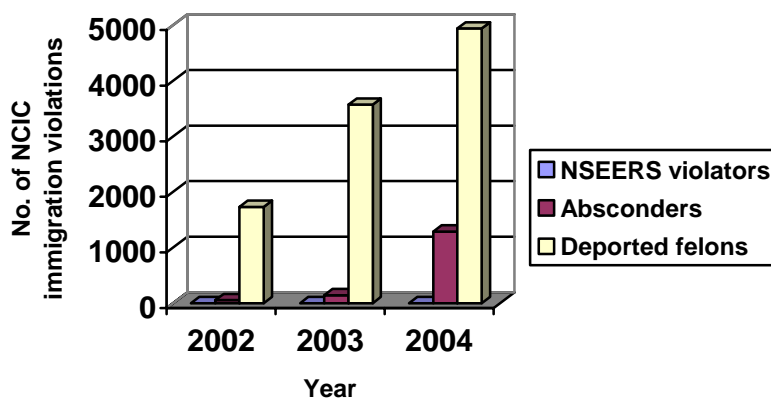


The type of immigration offenses for which individuals were identified is presented next. This data indicates a disconnect between the Administration's claims and the

³² Country of origin information was derived from a statistically significant random sample of 10 percent of all confirmed NCIC immigration hits from 2002 to 2004 provided by DHS. See Endnote on Data Methodology. Regional breakdowns were borrowed largely from Jeffrey S. Passel and Rebecca Clark, *Immigrants in New York: Their Legal Status, Incomes, and Taxes*, 34 Table K (1998) (listing country groups sometimes used for immigration estimates). Europe and N. America includes Albania, Armenia, Canada, France, Georgia, Germany, Hungary, Ireland, Italy, Poland, Portugal, Russia, Spain, Turkey, the Ukraine, and the United Kingdom. Africa includes Cameroon, Cape Verde, Ethiopia, The Gambia, Ghana, Nigeria, and Togo. The Middle East and Other Predominantly Muslim Countries includes Afghanistan, Algeria, Egypt, Iran, Iraq, Jordan, and Lebanon, Morocco, Pakistan, Somalia, and Tunisia. Asia and the Pacific includes Cambodia, China, India, Japan, Laos, Samoa, Tonga, and Vietnam. The Caribbean includes The Bahamas, Dominican Republic, Haiti, Jamaica, St. Vincent and the Grenadines, and Trinidad and Tobago. Central and S. America includes Argentina, Belize, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Paraguay, and Peru.

actual use of the NCIC database (see Figures 3 and 4).³³ For instance, not one NSEERS violator has been identified through NCIC since the time the government announced it would begin entering these records into the database. During the same time period, the number of absconders identified each year increased significantly, both in real numbers (from fifty-four in 2002 to 1,291 in 2004) and in comparison to those identified from other NCIC immigration categories. The government has stated that absconders should be included in the NCIC database in order to locate individuals hiding in the United States without authorization who may commit terrorist acts.³⁴ In reality, though, many absconders are likely unaware that they are the subject of a deportation order, as two-thirds of all orders of removal are entered *in absentia*.

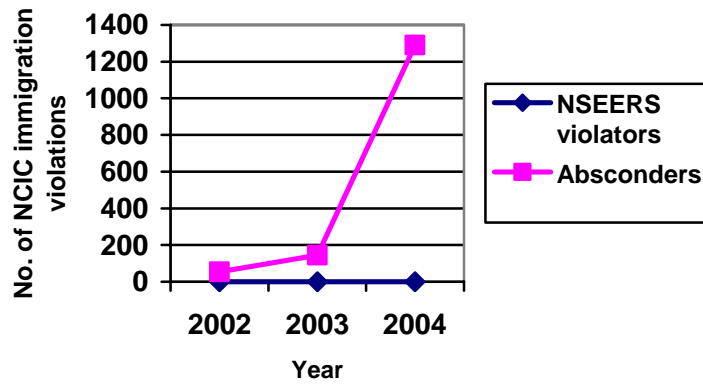
Figure 3:
Total Confirmed Hits by Violation Type



³³ The numbers contained in Figures 3 and 4 are derived from the summary data provided by LESC. See Endnote on Data Methodology. Deported felons make up the largest category of violation type. This is likely due to its longer history of use within the NCIC. See Section I.A. above. The IVF contains only administrative, non-criminal immigration warrants for the three types of offenders listed in Figure 3.

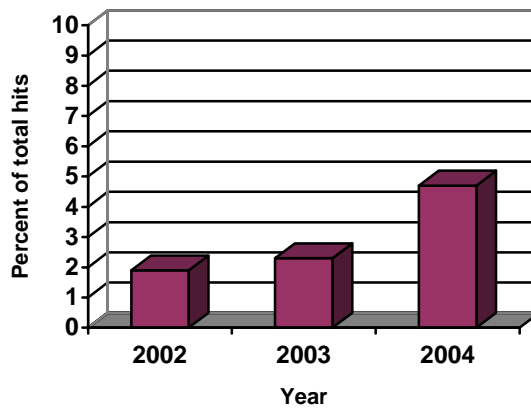
³⁴ See Alberto Gonzales, Letter to Demetrios Papademetriou, *supra* note 9.

**Figure 4:
Confirmed Absconder and NSEERS Hits**



In another significant trend, the percentage and real numbers of female immigrants identified by the NCIC have been rising (see Figure 5).³⁵ From 2002 to 2004, this percentage has more than doubled; during the same time period, the actual number of female immigration violators identified by local police has increased almost ten-fold, from thirty-seven hits in 2002 to 304 hits in 2004.

**Figure 5: Female Immigrant Hits
in Relation to Total**



³⁵ The data contained in Figure 5 is derived from the summary information provided by LESC. See Endnote on Data Methodology.

B. Variation among State and Local Law Enforcement Agencies

DHS also provided information on the origin of calls made to LESC by local and state law enforcement officers. This section identifies which state and local agencies have been the most active in utilizing the NCIC immigration records, as well as how the NCIC immigration record error rate varies by jurisdiction.

The numbers of calls by state are illustrated in Map 1 and Figures 6 and 7 below. In actual numbers, law enforcement officers in the traditional high-immigrant states have made the most calls to LESC to confirm an NCIC immigration hit. These states, in rank order, are California, Texas, Florida, Arizona, and New York. However, a substantial number of calls have also been made by a variety of other states that are not generally thought to have high concentrations of immigrants. States that have made few calls to LESC to confirm an NCIC immigration hit include Hawaii, North Dakota, Montana, and Vermont.

Map 1: Total NCIC Immigration-related Calls to LESC 2002-2004

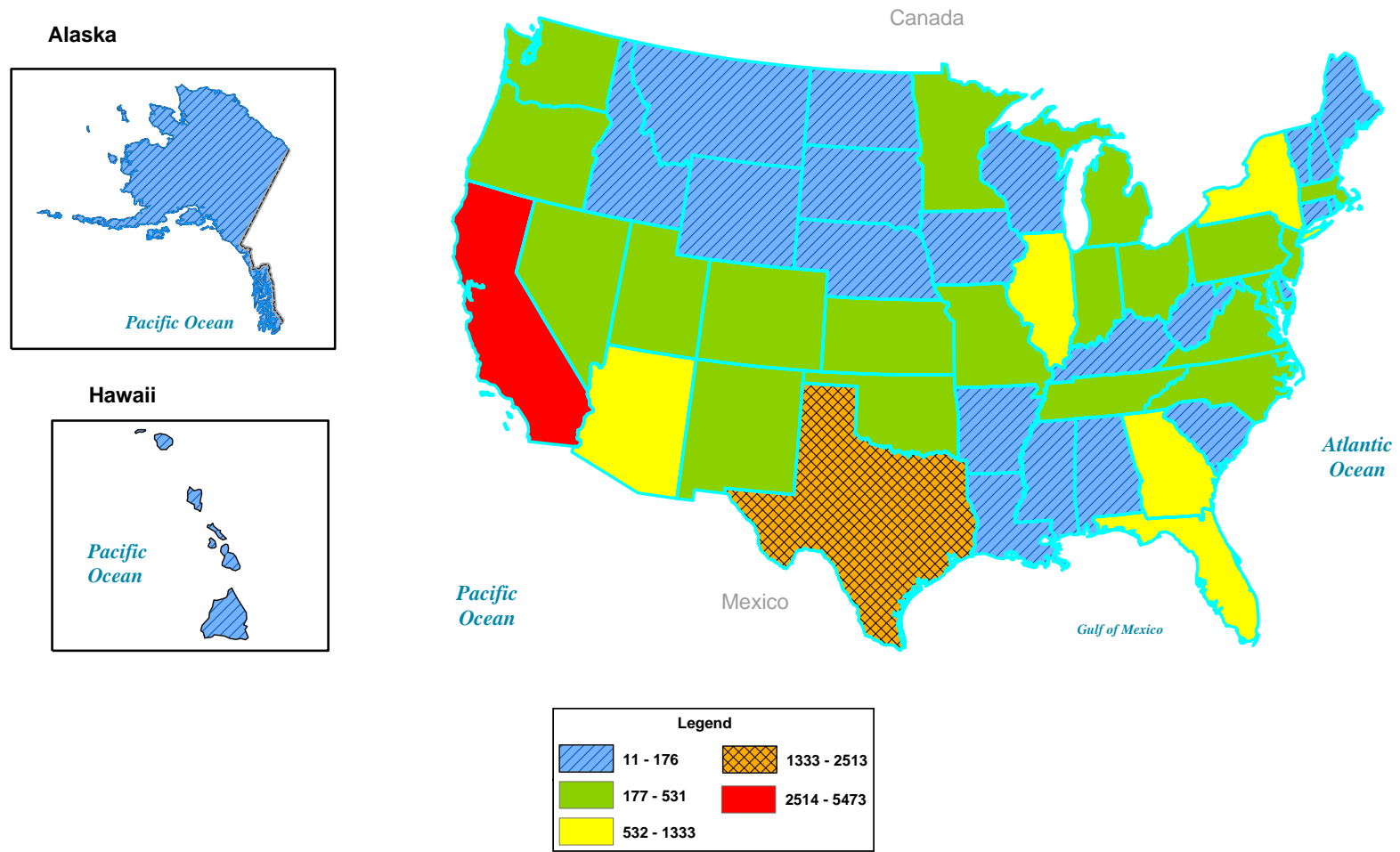
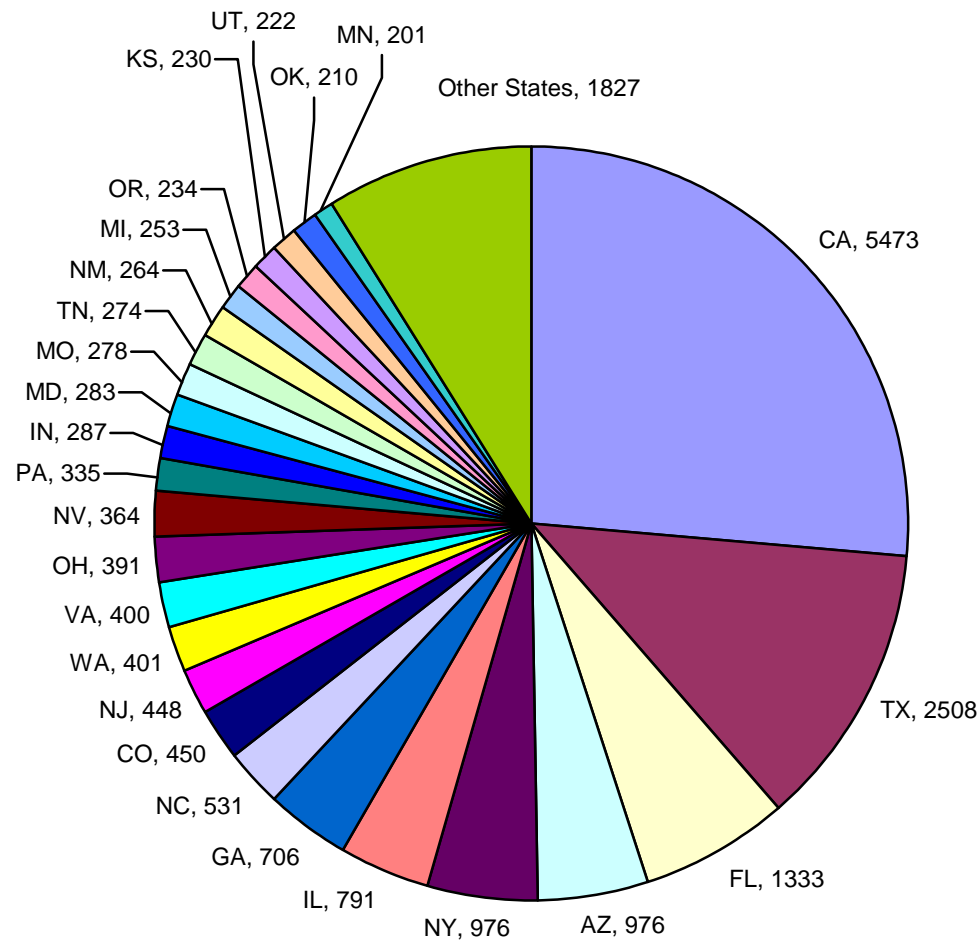


Figure 6: Total NCIC Immigration Calls by State



Map 2 and Figure 7 present police calls to LESC following an NCIC immigration hit on a per-capita basis, by comparing the total number of calls per state to the estimated unauthorized population of that state.³⁶ Police in South Carolina, Nebraska, Alabama, Arkansas, Kentucky,

³⁶ In calculations below, we use the estimated number of unauthorized immigrants within a jurisdiction as the best available proxy for a more accurate denominator — the number of immigration violators within each state. No public estimates of absconders or NSEERS violators by state are available, nor are the state-by-state number of immigration violators whose records have been entered into the NCIC. Similarly, there are no public numbers regarding total police use of the NCIC that we could use to understand what percentage of police activity is made up of immigration enforcement. Accessing these numbers and providing such analysis is an area for further research.

We rely here on estimates of the overall unauthorized population in each state from 2002 to 2004, the same years that the NCIC calls to LESC reflect. We use the estimates of Jeffrey S. Passel, Pew Hispanic Center, which are the most current and comprehensive data available. See “Estimates of the Size and Characteristics of the Undocumented Population” available at <http://pewhispanic.org/reports/report.php?ReportID=44>. DHS has also published estimates of the unauthorized population by state, but these estimates derive from earlier census data than Passel’s estimates used here. See “Estimates of the Unauthorized Immigrant Population Residing in the United States: 1990 to

Indiana, and Missouri have made the most immigration calls per unauthorized immigrant within their jurisdiction. Meanwhile, Wisconsin, Hawaii, and Massachusetts made the fewest total calls per unauthorized immigrant in their jurisdiction. These calls reflect the total times that an individual was identified, incorrectly or correctly, from an NCIC immigration hit.

The number of *confirmed* calls by estimated unauthorized population yields different results regarding local law enforcement activity (also see Figure 7). Nebraska, South Carolina, Nevada, Utah, California, New Mexico, and Arizona all show high per capita rates of alleged immigration violator identification through NCIC use. Delaware, Massachusetts, and Hawaii, on the other hand, have relatively few confirmed hits per unauthorized immigrant in their jurisdictions. This calculation indicates which jurisdictions are making the most true identifications of immigration violators through the NCIC records, which may correlate to the number of individuals deported as a result of use of those records.

As Figure 7 and Map 3 illustrate, the percentage of NCIC inquiries that were unconfirmed by LESC vary drastically by state. The error rate of the vast majority of the states was higher than the national average of 42 percent. Maine and Alaska also stand out for their extremely high error rates of 90 percent and 87 percent, respectively. Many of the states with high error rates used the NCIC immigration records quite frequently during 2002 to 2004, including Missouri, Tennessee, Ohio, and Pennsylvania. California, on the other hand, has the relatively low error rate of 18 percent, although this remains significant in light of its very high gross number of NCIC immigration hits.

Figure 7: State Numbers (Ranked By Unconfirmed Hits as Percent of Total)

State	Confirmed Hits	Unconfirmed Hits	Total Hits	Unconfirmed as Percent of Total (Rank)	Confirmed Hits per Thousand Unauthorized (Rank)	Total Hits per Thousand Unauthorized (Rank)
Maine	2	19	21	90% (1)	--- ³⁷	--- ³⁸
Alaska	3	20	23	87% (2)	--	--
Mississippi	14	69	83	83% (3)	5.5 (36)	3.261 (12)
Puerto Rico	2	8	10	80% (4)	--	--
Missouri	56	222	278	80% (4)	0.839 (27)	4.163 (7)
Washington, DC	20	71	91	78% (6)	0.786 (29)	3.575 (9)
Alabama	28	98	126	78% (6)	1.1 (20)	4.95 (3)
Hawaii	4	14	18	78% (6)	0.157 (42)	0.707 (42)
Tennessee	64	210	274	77% (9)	0.533 (37)	2.283 (21)
Delaware	12	35	47	74% (10)	0.471 (40)	1.846 (29)
Louisiana	21	58	79	73% (11)	0.825 (28)	3.104 (16)

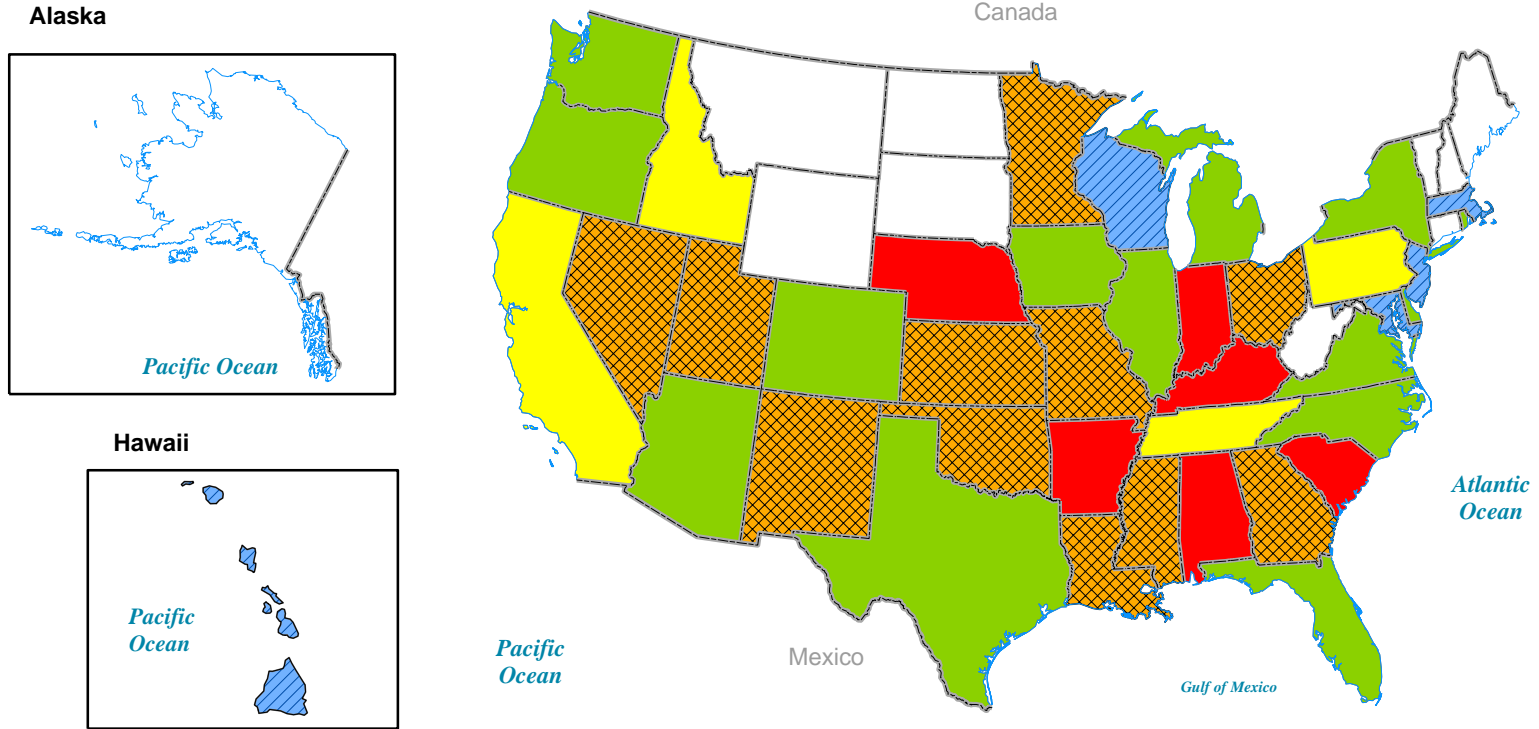
2000,"Office of Policy and Planning, US Immigration and Naturalization Service, 15 Table 1 (January 2003), available at <http://uscis.gov/graphics/shared/statistics/publications/index.htm>.

³⁷ Dashes indicate states where per capita figures could not be reliably calculated, due to unauthorized populations estimated to be lower than 10,000.

³⁸ See note 37.

Ohio	105	286	391	73% (11)	0.875 (25)	3.258 (13)
Pennsylvania	90	245	335	73% (11)	0.75 (30)	2.792 (19)
Vermont	3	8	11	73% (11)	--	--
Kentucky	31	82	113	73% (11)	1.218 (18)	4.439 (5)
West Virginia	10	22	32	69% (16)	--	--
New Hampshire	14	29	43	67% (17)	--	--
North Dakota	6	12	18	67% (17)	--	--
South Carolina	63	113	176	64% (19)	2.475 (2)	6.914 (1)
Connecticut	46	79	125	63% (20)	0.689 (33)	1.872 (28)
Maryland	105	178	283	63% (20)	0.473 (39)	1.274 (39)
Montana	5	8	13	62% (22)	--	--
Virginia	156	244	400	61% (23)	0.702 (32)	1.8 (33)
Wyoming	16	25	41	61% (23)	--	--
Arkansas	47	73	120	61% (23)	1.846 (7)	4.714 (4)
Indiana	114	173	287	60% (26)	1.707 (8)	4.297 (6)
New Jersey	180	268	448	60% (26)	0.514 (38)	1.28 (38)
Massachusetts	79	116	195	59% (28)	0.356 (41)	0.878 (41)
Kansas	96	134	230	58% (29)	1.437 (14)	3.444 (10)
Michigan	106	147	253	58% (29)	0.883 (24)	2.108 (23)
New York	413	563	976	58% (29)	0.635 (35)	1.502 (37)
Florida	578	755	1333	57% (32)	0.68 (34)	1.568 (36)
Oklahoma	97	113	210	54% (33)	1.452 (11)	3.144 (15)
New Mexico	124	140	264	53% (34)	1.857 (6)	3.953 (8)
Minnesota	95	106	201	53% (34)	1.422 (15)	3.010 (18)
North Carolina	257	274	531	52% (36)	0.857 (26)	1.77 (35)
Georgia	343	363	706	51% (37)	1.544 (10)	3.177 (14)
Iowa	60	61	121	50% (38)	0.898 (23)	1.812 (30)
Illinois	414	377	791	48% (39)	1.035 (21)	1.978 (25)
South Dakota	13	11	24	46% (40)	--	--
Rhode Island	26	20	46	43% (41)	1.021 (22)	1.807 (31)
Wisconsin	85	62	147	42% (42)	0.708 (31)	1.225 (40)
Nebraska	77	56	133	42% (42)	3.025 (1)	5.225 (2)
Idaho	42	29	71	41% (44)	1.65 (9)	2.789 (20)
Utah	135	87	222	39% (45)	2.021 (4)	3.324 (11)
Colorado	282	168	450	37% (46)	1.269 (17)	2.025 (24)
Texas	1,596	912	2,508	36% (47)	1.14 (19)	1.791 (34)
Nevada	259	105	364	29% (48)	2.158 (3)	3.033 (17)
Oregon	173	61	234	26% (49)	1.442 (13)	1.95 (27)
Arizona	724	252	976	26% (49)	1.448 (12)	1.952 (26)
Washington	302	99	401	25% (51)	1.359 (16)	1.805 (32)
California	4,462	1,011	5,473	18% (52)	1.85 (5)	2.280 (22)

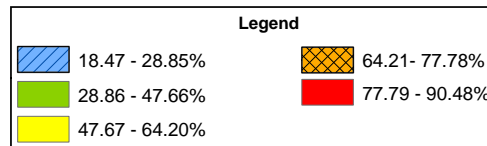
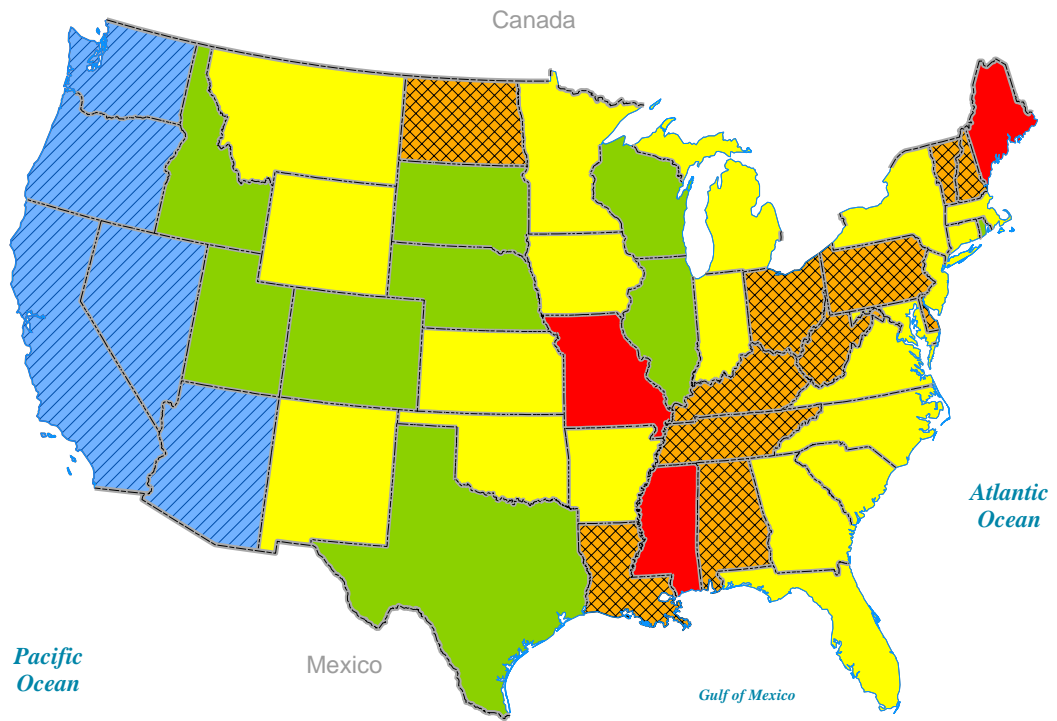
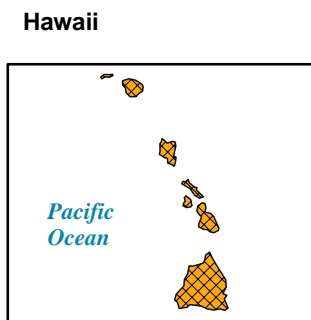
Map 2: LESC Immigration Calls per Thousand Undocumented Immigrants



The estimates of undocumented population by state are based on the report "Estimates of the Size and Characteristics of the Undocumented Population" by Jeffrey Passel of the Pew Hispanic Center. Passel's numbers reflect the size of the undocumented population from 2002-2004. He provides a range for most states; the numbers used here were the median of this range. States not shaded had an estimated population of fewer than 10,000 undocumented immigrants each.

Legend	
0.707 - 1.280	2.793 - 4.163
1.281 - 2.108	4.164 - 6.914
2.109 - 2.792	

Map 3: Error Rate 2002-2004



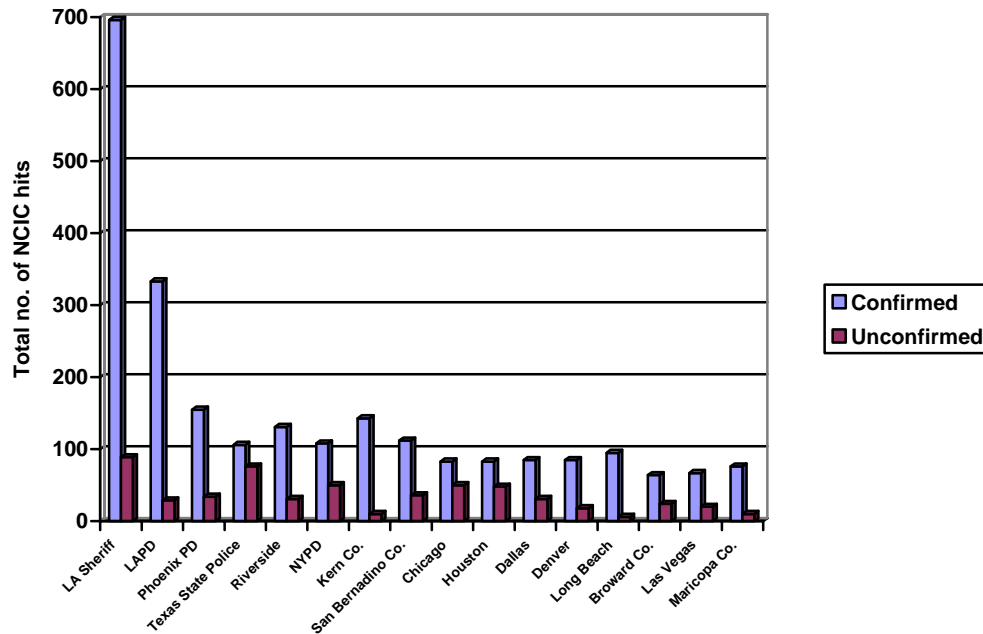
Figures 8 and 9 indicate the distribution of the most active police departments, in terms of total calls to LESC following an NCIC immigration hit. The most active agencies are located in metropolitan and national border regions. Los Angeles and surrounding areas have the highest number of calls, while Phoenix, New York City, Chicago, and Houston follow. The presence of Los Angeles, New York, and Houston in this group is particularly notable as all three cities have adopted some restrictions on police enforcement of immigration laws (LESC does not record the outcome of confirmed NCIC hits and thus police compliance with local restrictions, such as the Houston Police Department's prohibition on arrest of absconders absent presence of a criminal warrant, cannot be assessed from this data set alone). Active state police and other law enforcement agencies are not indicated on the map but tend to be located in the same regions.³⁹

Figure 8: Top 20 Active Agencies, 2002-04

Rank	State	Agency	Total No. Of Hits
1	California	LOS ANGELES COUNTY SHERIFF DEPARTMENT	785
2	California	LOS ANGELES POLICE DEPT	362
3	Arizona	PHOENIX POLICE DEPT	189
4	Texas	TEXAS STATE POLICE	182
5	California	RIVERSIDE COUNTY SHERIFF DEPARTMENT	162
6	New York	NEW YORK CITY POLICE DEPT	158
7	California	KERN COUNTY SHERIFF DEPARTMENT	153
8	California	SAN BERNARDINO COUNTY SHERIFF DEPARTMENT	148
9	Illinois	CHICAGO POLICE DEPT	133
10	Texas	HOUSTON POLICE DEPT	131
11	Texas	DALLAS POLICE DEPT	116
12	Colorado	DENVER POLICE DEPT	103
13	California	LONG BEACH POLICE DEPT	101
14	Florida	BROWARD COUNTY SHERIFF DEPARTMENT	88
15	Nevada	LAS VEGAS METRO POLICE DEPARTMENT	87
16	Arizona	MARICOPA COUNTY SHERIFF DEPARTMENT	86
17	California	SANTA ANA POLICE DEPT	73
18	Texas	EL PASO POLICE DEPT	67
19	California	SAN JOSE POLICE DEPT	63
19	Texas	AUSTIN POLICE DEPT	63

³⁹ Further research should be conducted on this topic. Without reliable estimates of the undocumented population by city or county, and without estimates of police person-hours dedicated to NCIC-based immigration enforcement, the LESC data alone cannot reveal whether smaller jurisdictions are similarly active on a per-capita basis.

Figure 9: The Most Active Agencies, Confirmed & Unconfirmed (2002-2004)



Since the Los Angeles Police Department (LAPD) and the Los Angeles County Sheriff’s Office were by far the most active police departments, their data is displayed in more detail below.

Figure 10: LAPD Confirmed & Unconfirmed Hits

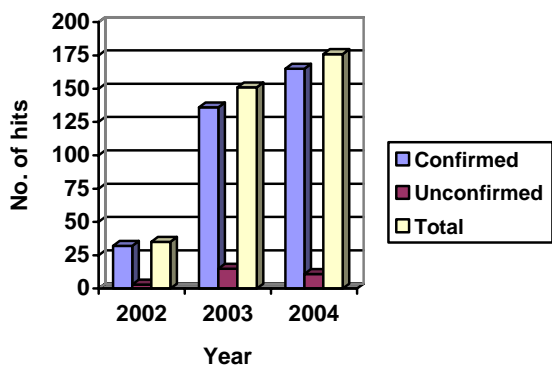
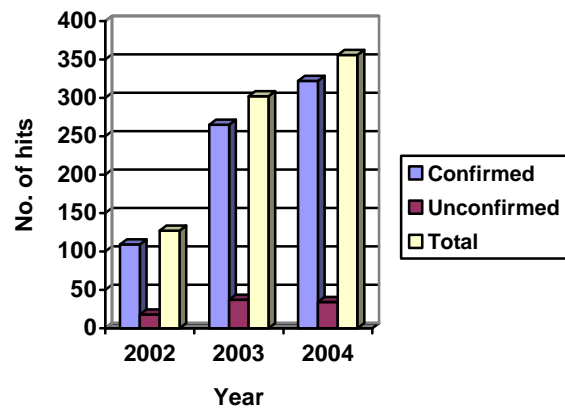
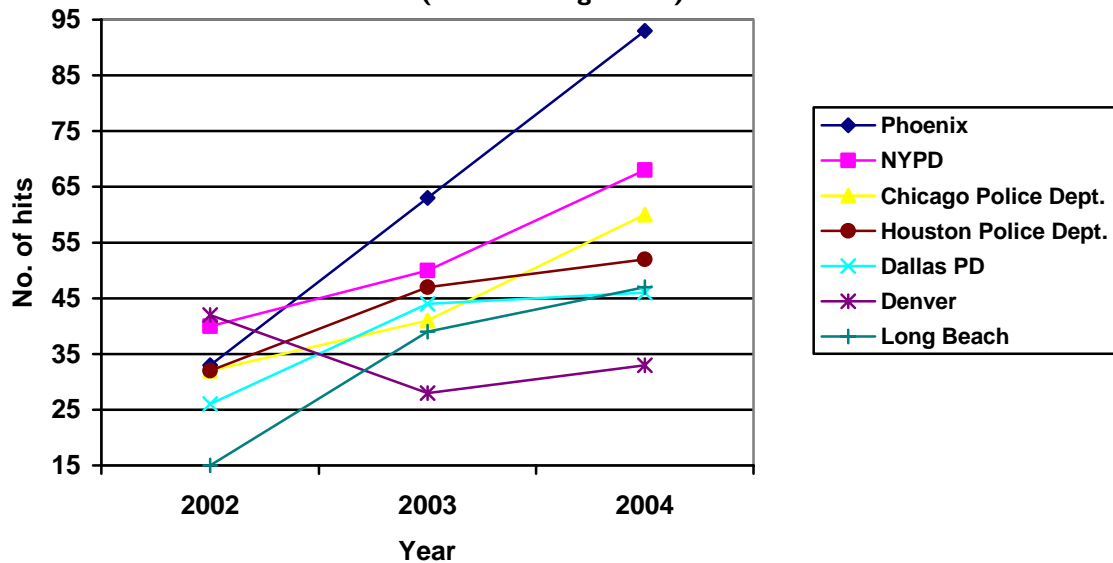


Figure 11: Los Angeles County Sheriff Confirmed & Unconfirmed Hits

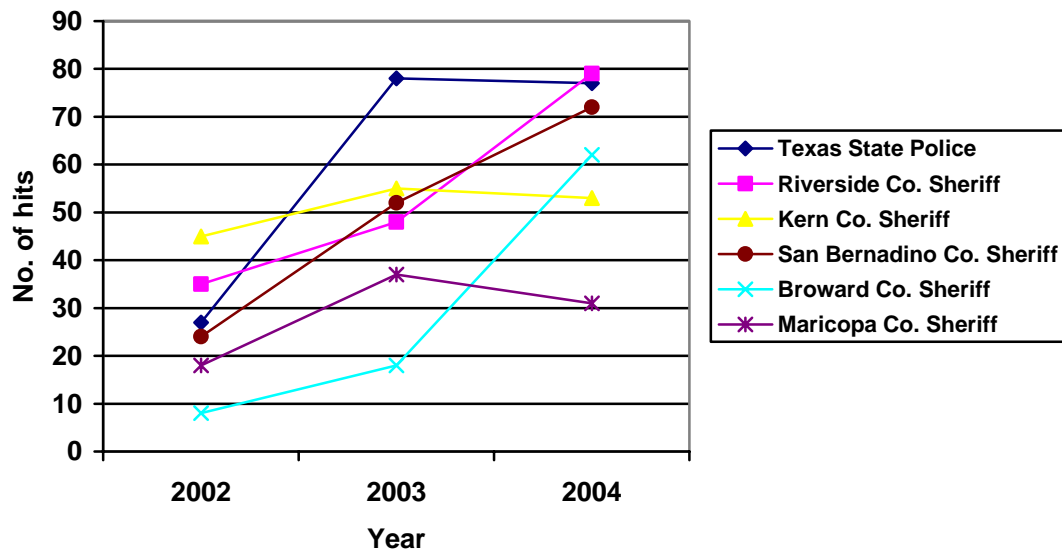


Figures 12 and 13 track the growth over time of the next most active agencies, after the LAPD and LA Sheriff’s Department. Notable trends include the steady and sharp increase in activity by the Phoenix Police Department and the five-fold increase in activity by the Broward County Sheriff from 2002-2003.

**Figure 12: The Most Active City Police Departments Over Time
(not including LAPD)**



**Figure 13: The Most Active Sheriff Offices & State Police Over Time
(not including LA County Sheriff)**



As noted above, the error rates of the NCIC immigration records vary significantly between states (see Map 3 above). Disparities are also evident in the data presented by different agencies (see Figure 14). While many more agencies exhibited above-average error rates, only the agencies with more than twenty calls to LESC following an NCIC immigration hit are shown here, so as to ensure statistical significance of the data presented.⁴⁰ The Shelby County Sheriff Office figures are particularly striking. While this agency ranks 20th in overall calls to LESC, it had a shocking 98 percent error rate — with only one hit over three years that was confirmed as a correct identification of an immigration violator. By contrast, some agencies have notably low error rates, including the Glendale Police Department in California: LESC confirmed all thirty of its NCIC immigration hits. Glendale is the only police department with a significant number of NCIC immigration hits with a 0 percent error rate.

Figure 14: Agencies with Error Rates Exceeding the National Average (42 percent)

Rank	Agency	Total Confirmed	Total Unconfirmed	Percent Unconfirmed
1	Shelby County Sheriff Office (TN)	1	61	98%
2	St. Louis Police Department (MO)	1	19	95%
3	Kansas City Police Department (MO)	8	26	76%
4	Washington Metropolitan Police Department (DC)	9	23	72%
5	Greenville County Sheriff Office (SC)	8	12	60%
6	Roswell Police Department (GA)	11	14	56%
7	Lee County Sheriff Department (FL)	14	14	50%
7	Palm Beach County Sheriff Department (FL)	11	11	50%
9	Orlando Police Department (FL)	13	12	48%
9	Hillsborough County Sheriff Department (FL)	21	19	48%
11	Salt Lake County Sheriff Office (UT)	15	13	46%
12	Bernalillo County Sheriff Department (NM)	11	9	45%
13	Montgomery County Police Department (MD)	19	15	44%
13	Tucson Police Department (AZ)	27	21	44%
15	Collier County Sheriff Office (FL)	21	16	43%
15	San Antonio Police Department (TX)	12	9	43%

⁴⁰ Figure 14 also does not include unidentified agencies, as discussed in the Endnote on Data Methodology.

C. Accuracy of NCIC Immigration Records

The form of the data provided by LESC raises further concerns about the reliability of NCIC-based immigration enforcement. The information released directly from LESC with no internal analysis (the confirmed and unconfirmed requests by local or state agency) contains hundreds of data-entry errors. These errors include failure to record the querying law enforcement agency and incomplete or inaccurate agency codes. The analysis of data by local agencies, above, omits hits from agencies that LESC records fail properly to identify. Therefore, the numbers reflected in this report are low estimates of the actual number of confirmation calls to LESC made by each agency.⁴¹

The low confirmation rates of initial NCIC immigration hits and the substantial number of incomplete LESC records of law enforcement queries indicate that police enforcement of immigration laws based on unreliable immigration records is inefficient and counter-productive of public safety goals.

⁴¹ See Endnote on Data Methodology.

CONCLUSION

This report highlights significant findings from the first data available about the use of NCIC immigration records by state and local police enforcement. The high rate and growing total numbers of unconfirmed NCIC immigration hits likely result in a significant number of wrongful detentions by local police pending clarification by LESC. This finding raises concerns that deputizing state and local police to be immigration agents without supervision or training will result in wrongful detentions, divert officer time and attention from more important public safety functions, and erode trust with immigrant communities. The demographics of the individuals identified by the NCIC indicate that the immigration records are being used primarily for routine immigration enforcement, not for the counterterrorism objectives the DOJ has advanced. The data also confirms a dramatic checkerboard pattern of enforcement among police departments, as shown by the data on both per capita and gross immigration hits.

While immigration enforcement currently constitutes a modest portion of state and local law enforcement NCIC activity, the number of immigration identifications is rapidly growing. This information indicates that now, while police engage in immigration enforcement but only modestly, is a critical time to reevaluate the nature, purpose, and on-the-ground effects of making enforcement of immigration laws the responsibility of state and local law enforcement.

ENDNOTE ON DATA METHODOLOGY

The data contained in this report was provided by the US Bureau of Immigration and Customs Enforcement's Law Enforcement Support Center. The information was provided in three forms. First, LESC reported the aggregate totals of NCIC confirmed and unconfirmed immigration violator "hits" based on calls from local law enforcement, disaggregated by year (2002 to 2004); state of origin of the querying law enforcement agency; gender; and immigration offense. Second, LESC randomly generated a statistically significant sample of 1,100 confirmed hits to examine the country of origin data of the individuals who were being identified through use of the NCIC immigration records. (Because six of the randomly selected records turned out to be duplicates, the final sample was 1,094 confirmed hits.) Finally, LESC provided records listing all confirmed and unconfirmed hits by local reporting agency and year.

The most comprehensive data was contained in the final LESC report, listing hits by an identifying "ORI" code for each agency. These identifying "ORI" (originating) codes are assigned by the FBI to law enforcement agencies. Agencies can further elect to assign internal agency sub-codes to their ORI code, for instance by agency bureau, precinct, or sub-division. In order to systematically understand the data, we aggregated it by agency, ignoring internal agency sub-coding. Thus, the New York Police Department information in the report does not differentiate between precincts, units, or bureaus.

As stated within the report, the LESC records of all confirmed and unconfirmed hits by year contained a large number of non-existent agency ORI codes entered by LESC operators. Of the hits attributed to incorrect ORI codes, 513 appeared to be linked to federal agencies and 6,902 could be linked to a state though not a local agency, leaving 261 hits that could not be linked to an agency or a state. These unidentifiable codes were omitted from the figures in this report.

Many of the incorrect codes, when examined, almost certainly correspond to identifiable agencies. For example, LESC records show forty-eight calls from officers of "NYNYPD0," an incorrect ORI, in addition to the 158 calls indicated in Figure 8 above. Presumably these forty-eight NCIC immigration hits are erroneous entries that indicate queries from the New York Police Department, for which an LESC operator incorrectly entered a non-existent ORI code. Nevertheless, to maintain consistency in this national report, no LESC records containing non-existent ORI codes were included in any calculation regarding specific agencies. Thus, all agency calculations in the report are low estimates of the number of hits actually made by those agencies.

In addition, to ensure that LESC records regarding calls from federal agencies following an NCIC immigration hit were omitted from the figures in this report, we deleted all dummy codes that included the acronyms INS, ICE, DEA, FBI, or DOJ. Hits by these agencies are thus not included in any state or nationwide totals in the report.

In a standard ORI code, the first two letters correspond to the originating state.⁴² In order to calculate the number of hits statewide, we limited each ORI to the first two letters and added the hits accordingly. These numbers included any dummy code that was linked to a state through the first two letters (for instance, the NYNYPD0 code above was included in the New York state total). The state totals, however, do not include any hits where the dummy code could not be linked to a particular state.⁴³ A total of 261 hits associated with records lacked a state identifier. Thus, the state totals should also be understood as a low estimate for the true number of NCIC immigration hits for each state.

Due to all of these issues, we have avoided using the aggregate totals provided to us by LESC within this report. Instead, when possible, the charts above were calculated directly from the final LESC report that listed hits by agency separately. This way we were able to ensure that identifiable federal agencies were not included in our totals. The data on country of origin is derived from the sample of confirmed hits that LESC generated. Identification of NCIC hit by offender type and gender is based on the LESC aggregate data, since this information was not included in the other records it provided.

⁴² These letters correspond to the United States Postal Service (USPS) Codes, with the exception of Nebraska, where USPS uses NE and the FBI uses NB.

⁴³ We did add the total for one dummy code to a state, since it was obvious that it came from that state in a quick glance through the data. This was the one hit for the ORI "HOUSTON," which we added to the Texas state total.

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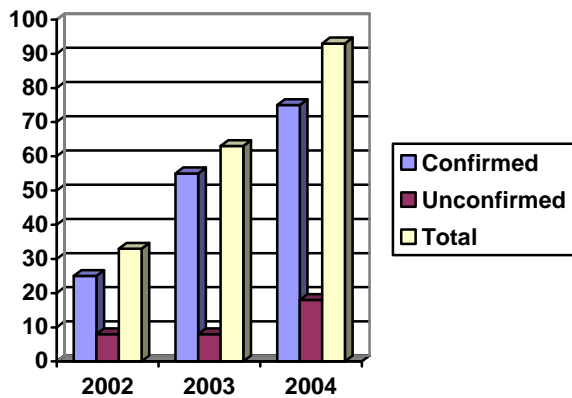
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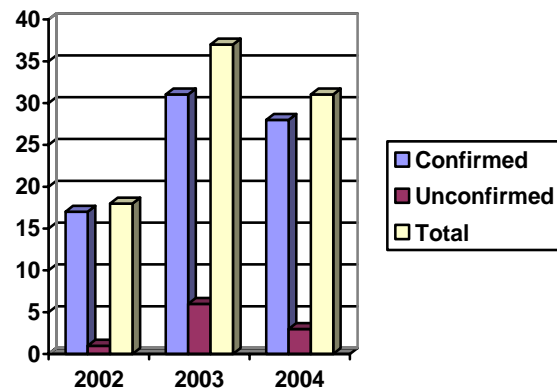
APPENDIX A: Profiles of the Most Active Agencies

SOUTHWEST

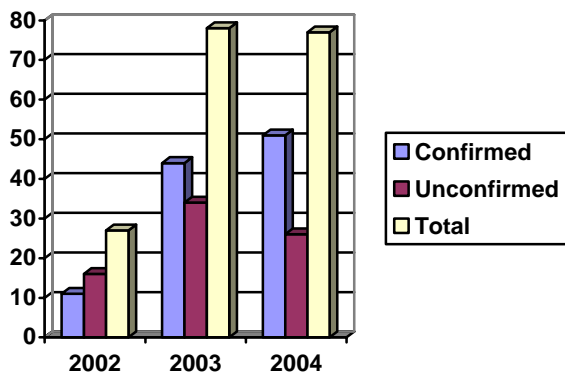
Phoenix Police Department (AZ)



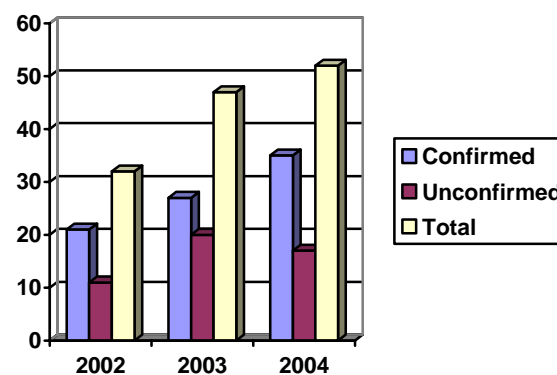
Maricopa County Sheriff Department (AZ)



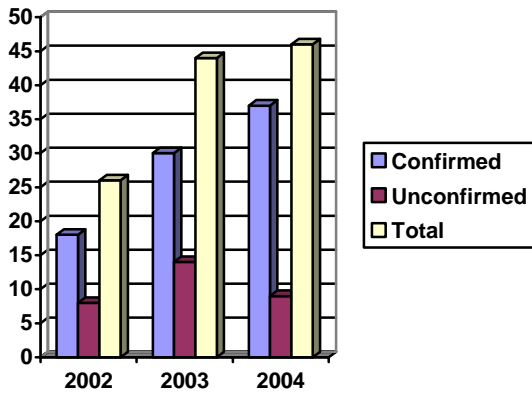
Texas State Police (TX)



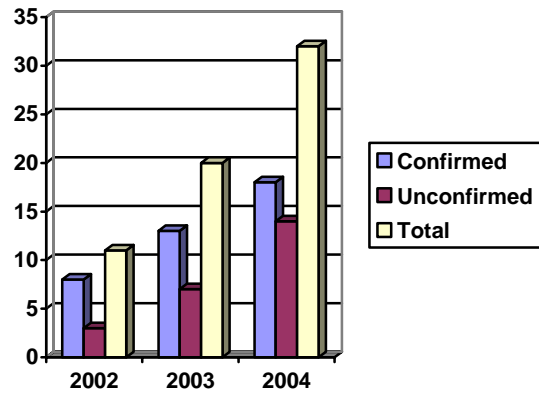
Houston Police Department (TX)



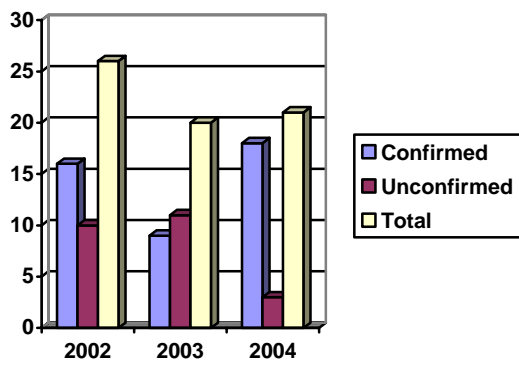
Dallas Police Department (TX)



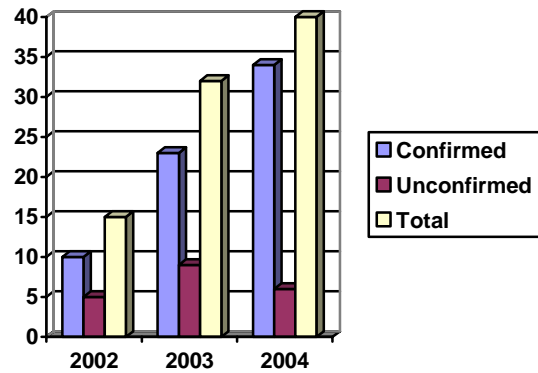
Austin Police Department (TX)



El Paso Police Department (TX)

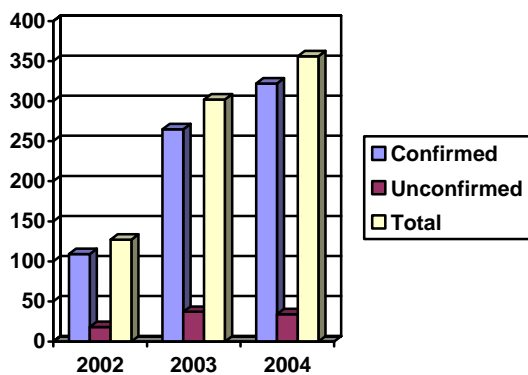


Las Vegas Metro Police Department (NV)

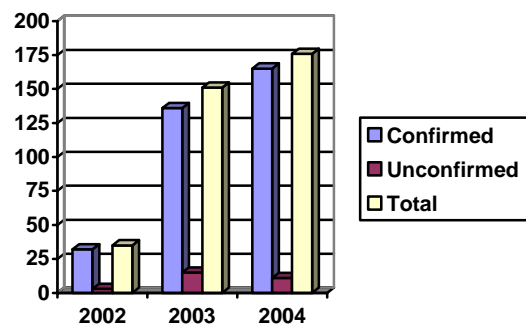


CALIFORNIA

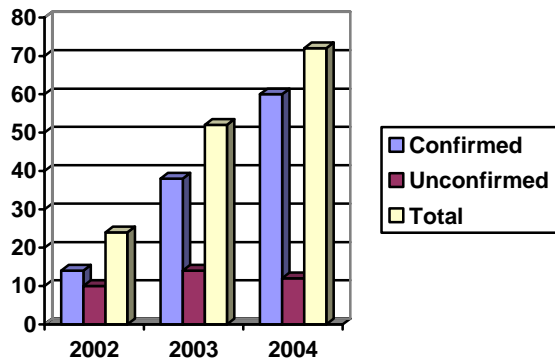
Los Angeles County Sheriff (CA)



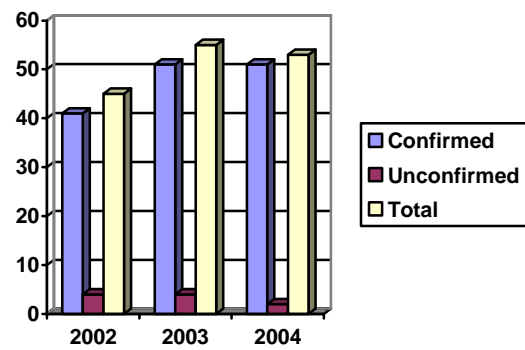
Los Angeles Police Department (CA)



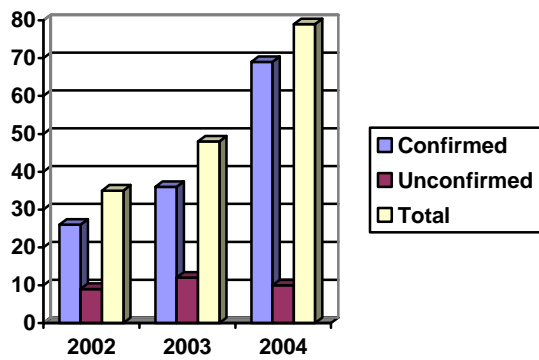
San Bernadino County Sheriff Department (CA)



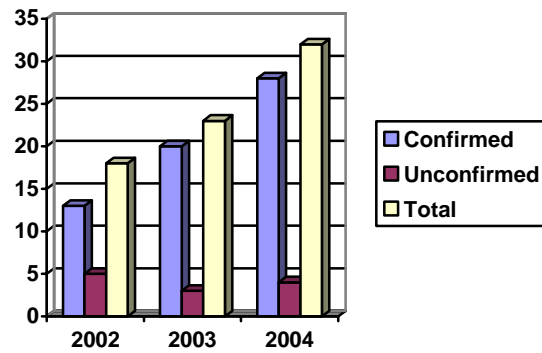
Kern County Sheriff Department (CA)



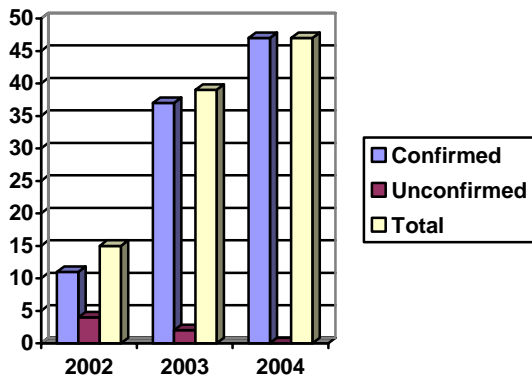
Riverside County Sheriff Department (CA)



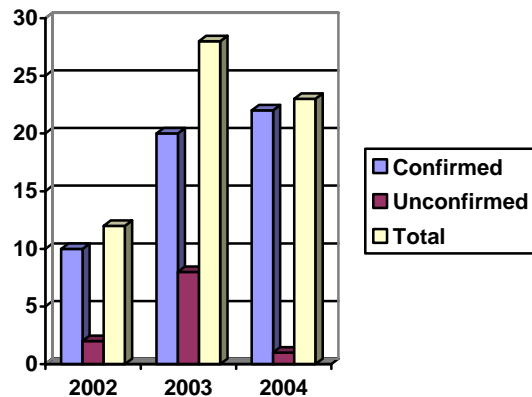
Santa Ana Police Department (CA)



Long Beach Police Department (CA)

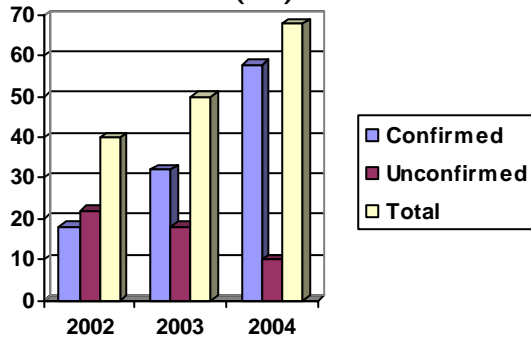


San Jose Police Department (CA)

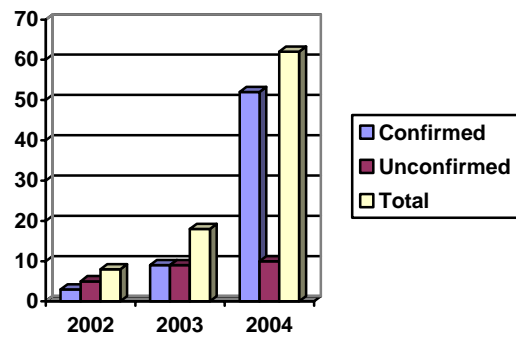


OTHER ACTIVE AGENCIES

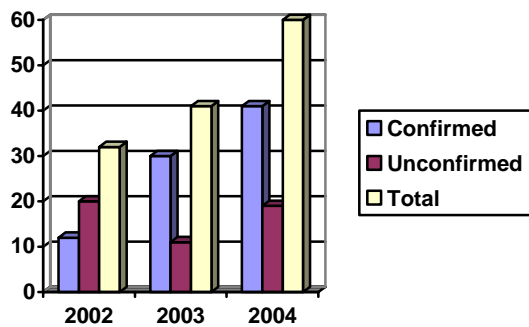
New York City Police Department (NY)



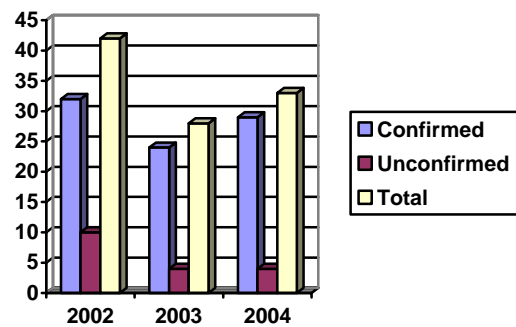
Broward County Sheriff Department (FL)



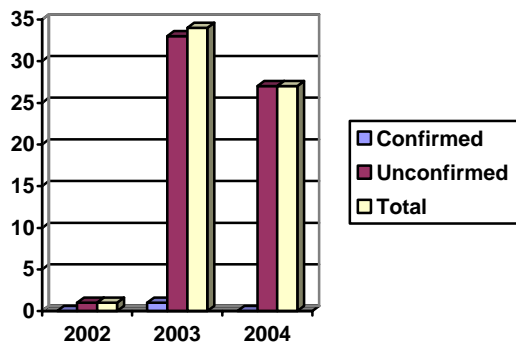
Chicago Police Department (IL)



Denver Police Department (CO)



Shelby County Sheriff Office (TN)



APPENDIX B: University and High School⁴⁴ Campuses Using NCIC Immigration Records, By Number of Calls

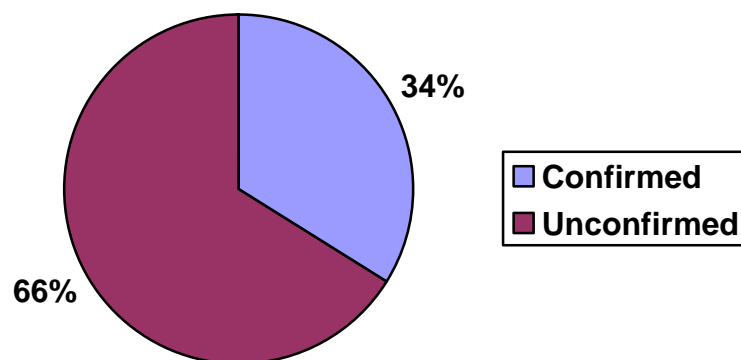
School	Total
UNIVERSITY OF NEW MEXICO-ALBUQUERQUE POLICE	8
UNIVERSITY OF HOUSTON-POLICE	4
UNIVERSITY OF MARYLAND-COLLEGE PARK POLICE	3
UNIVERSITY OF NC-ASHEVILLE POLICE	3
CLARK COUNTY SCHOOL DISTRICT POLICE	3
FLORIDA ATLANTIC UNIVERSITY POLICE	2
DUKE UNIVERSITY	2
KEAN COLLEGE OF NEW JERSEY POLICE	2
UNIVERSITY OF NEVADA-LAS VEGAS POLICE	2
OKLAHOMA STATE UNIVERSITY-STILLWATER POLICE	2
NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY POLICE	1
EL CAMINO COLLEGE POLICE	1
SAN DIEGO STATE UNIVERSITY	1
SAN FRANCISCO COMMUNITY COLLEGE POLICE	1
SANTA ROSA COMMUNITY COLLEGE CAMPUS POLICE	1
SANTA FE COMMUNITY COLLEGE SECURITY	1
UNIVERSITY OF NORTH FLORIDA POLICE	1
CLARK ATLANTA UNIVERSITY	1
GEORGIA COLLEGE AND STATE UNIVERSITY POLICE	1
MEDICAL COLLEGE OF GEORGIA POLICE	1
CHICAGO STATE UNIVERSITY POLICE	1
BALL STATE UNIVERSITY POLICE	1
UNIVERSITY OF KANSAS MEDICAL CENTER POLICE	1
WICHITA STATE UNIVERSITY POLICE	1
UNIVERSITY OF KENTUCKY POLICE	1
GRAMBLING STATE UNIVERSITY SECURITY	1
TOWSON STATE UNIVERSITY POLICE	1
UNIVERSITY OF MARYLAND-BALTIMORE CITY POLICE	1
UNIVERSITY OF SOUTHERN MAINE POLICE	1
WESTERN CAROLINA UNIVERSITY POLICE	1
ESSEX COUNTY COMMUNITY COLLEGE SECURITY	1
UNIVERSITY OF NEVADA-RENO POLICE	1
SUNY MARITIME COLLEGE CAMPUS SECURITY	1

⁴⁴ The data shows that school districts with their own police appear to have begun using the NCIC immigration records. For more information about these school district police, see the Los Angeles School Police Department website at <http://www.laspd.com/home.htm>; the Palm Beach School Police website at <http://www.palmbeach.k12.fl.us/schoolpolice/>; and the Clark County, NV Police Supervision Description of Duties at <http://ccsd.net/jobs/classifications/S/SchoolPoliceDispatchSuper.pdf>.

NORTH COLLEGE HILL POLICE DEPT	1
OHIO STATE UNIVERSITY-COLUMBUS POLICE	1
SINCLAIRE COMMUNITY COLLEGE POLICE	1
WRIGHT STATE UNIVERSITY POLICE	1
UNIVERSITY OF SC-COLUMBIA POLICE	1
BAYLOR UNIVERSITY: WACO	1
RICE UNIVERSITY	1
UNIVERSITY OF NORTH TEXAS POLICE	1
UNIVERSITY PARK CITY POLICE DEPT	1
GEORGE MASON UNIVERSITY POLICE	1
JAMES MADISON UNIVERSITY PUBLIC SAFETY	1
UNIVERSITY OF WASHINGTON POLICE	1
UNIVERSITY OF WISCONSIN-MADISON POLICE	1
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND	1
EDGEWOOD IND SCHOOL DISTRICT POLICE	1
HOUSTON IND SCHOOL DISTRICT POLICE	1
SPRINGBRANCH IND SCHOOL DISTRICT POLICE	1
LOS ANGELES UNIFIED SCHOOL DISTRICT POLICE	1
SAN BERNADINO CITY UNIFIED SCHOOL DIST POLICE	1
FONTANA UNIFIED SCHOOL DISTRICT SECURITY	1
PALM BEACH COUNTY SCHOOL DISTRICT POLICE	1
COBB COUNTY SCHOOL DISTRICT SECURITY	1
RICHMOND COUNTY SCHOOL DISTRICT POLICE	1
TOTAL	77

School Confirmed vs. Unconfirmed NCIC

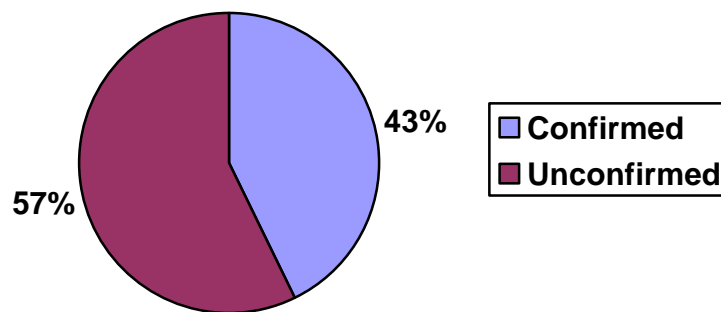
Hits



APPENDIX C: Airports Using NCIC Immigration Records, By Number of Calls

Airport	Total
METROPOLITAN WASHINGTON AIRPORTS AUTHORITY	4
MINNEAPOLIS/ST PAUL INT'L AIRPORT POLICE	2
LAMBERT MUNICIPAL AIRPORT POLICE	2
DALLAS - FT WORTH AIRPORT POLICE	2
TUCSON INTERNATIONAL AIRPORT AUTHORITY	1
ONTARIO INT'L AIRPORT AUTHORITY	1
JACKSONVILLE INT'L AIRPORT POLICE	1
BALTIMORE/WASHINGTON INT'L AIRPORT	1
WAYNE COUNTY AIRPORT	1
KANSAS CITY INT'L AIRPORT POLICE	1
RALEIGH-DURHAM AIRPORT	1
COLUMBUS AIRPORT POLICE	1
LEHIGH VALLEY INT'L AIRPORT POLICE	1
NASHVILLE-DAVIDSON METRO AIRPORT AUTHORITY	1
NORFOLK INT'L AIRPORT AUTHORITY POLICE	1
TOTAL	21

Airport Confirmed vs. Unconfirmed NCIC Hits



APPENDIX D: Additional Resources

America's Challenge: Domestic Security, Civil Liberties and National Unity After September 11

By Muzaffar A. Chishti, Doris Meissner, Demetrios G. Papademetriou, Jay Peterzell, Michael J. Wishnie, and Stephen W. Yale-Loehr

June 2003

One Face at the Border: Behind the Slogan

By Deborah Meyers, MPI Policy Analyst

June 2005

Real Challenges for Virtual Borders: The Implementation of US-VISIT

By Rey Koslowski, Associate Professor of Political Science, Rutgers University-Newark

June 2005

Revisiting the Need for Appointed Counsel

By Donald Kerwin, Executive Director, Catholic Legal Immigration Network, Inc.

April 2005

Secure Borders, Open Doors: Visa Procedures in the Post-September 11 Era

By Stephen Yale-Loehr, Demetrios G. Papademetriou and Betsy Cooper

September 2005

Twilight Statuses: A Closer Examination of the Unauthorized Population

By David A. Martin, MPI Nonresident Fellow and the Warner-Booker Distinguished Professor of International Law at the University of Virginia

June 2005

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