

United States Senate

WASHINGTON, DC 20510

June 26, 2017

The Honorable John F. Kelly
Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Kelly:

We write to express our concerns about the U.S. Immigration and Customs Enforcement's (ICE) new Victims of Immigration Crime Engagement (VOICE) office. You announced the establishment of VOICE on April 26 in response to an executive order issued on January 25 by President Trump.

We are longtime advocates for victims of crime, and ensuring that law enforcement and communities have the resources they need to keep their families safe. However, we fear that the VOICE office has a number of deeply concerning flaws that will do the exact opposite, and make many communities less safe.

Given President Trump's aggressive rhetoric on immigrants and the reported increase in hate crimes in the past year, we are troubled that VOICE could contribute to discrimination and violence against immigrants and those perceived to be immigrants. In particular, after recent reports that a searchable database launched in conjunction with VOICE included information on children and asylum seekers, we are concerned that personally identifiable information released by VOICE will lead to the direct targeting of individuals, including children.

The presidential executive order "Enhancing Public Safety in the Interior of the United States" directed the establishment of VOICE. The executive order also instructed agencies to exclude non-citizens who are not lawful permanent residents from the Privacy Act, and required the Departments of Homeland Security and Justice to periodically report information on incarcerated aliens in order to "promote the transparency and situational awareness of criminal aliens in the United States."^[2] When signing this order, President Trump stated that Americans had been "victimized by open borders" and that his administration is "going to get the bad ones out."^[3]

^[2] <https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united>

^[3] https://www.nytimes.com/2017/01/25/us/politics/refugees-immigrants-wall-trump.html?_r=0

On February 28, President Trump highlighted the creation of VOICE during a nationally televised speech to Congress. The President claimed that victims of crime committed by undocumented immigrants had been “ignored by our media and silenced by special interests,” and discussed specific examples of such alleged crimes, describing them as “vicious.”^[4] The President’s statements were consistent with his campaign rhetoric, which repeatedly referred to undocumented immigrants as criminals and bad people. Echoing this language, you claimed, in the implementation memorandum accompanying the executive order, that “[c]riminal aliens routinely victimize Americans and other legal residents.”^[5] However, studies have repeatedly shown that immigrants, including undocumented immigrants, commit crimes at lower rates than people born in the United States.^[6]

We are deeply concerned that, based on the President’s rhetoric, the effect, if not the real intent, of VOICE will be to target immigrants for officially sanctioned discrimination and even violence. This is an unacceptable violation of the legal protections provided to all persons within the United States, and it raises serious constitutional issues.

We are also dismayed by the creation of the DHS-Victim Immigration and Notification Exchange (DHS-VINE), a searchable database launched on the same day as the VOICE office. The DHS-VINE website states that it is intended to allow victims, witnesses, and advocates to search for personal information about incarcerated immigrants. However, on April 27, the *Los Angeles Times* reported that the DHS-VINE database included children as young as a few months old, including unaccompanied minors in group homes. The same article stated that the database included immigrants whose sole offense was being in the country without authorization, as well as asylum seekers who face the possibility of persecution in their native countries. The article also noted that when ICE started releasing reports about immigrants released from jail or after arrest during the first few months of the Trump administration, its reports were “plagued by errors.”^[7] In addition, on May 26, *The Guardian* reported that publicly accessible information in DHS-VINE included victims of crime, despite prohibitions in federal law on disclosure of victim information.^[8] Although DHS has received several notifications about this breach of confidentiality, it is not clear whether a systemic fix to the database has been made to prevent victims’ federally protected information from ever being released through this system. The unlawful disclosure of victims’ protected information violates federal law and endangers survivors. The public availability of erroneous information raises serious

^[4] <https://www.whitehouse.gov/the-press-office/2017/02/28/remarks-president-trump-joint-address-congress>

^[5] https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf

^[6] <https://www.nytimes.com/2017/01/26/us/trump-illegal-immigrants-crime.html>

^[7] <http://www.latimes.com/nation/la-na-children-in-immigration-database-20170426-story.html>

^[8] https://www.theguardian.com/us-news/2017/may/26/us-immigration-crime-database-victim-data-exposed?CMP=tw_t_gu

concerns, not least of which is that such information could be used to try to influence prospective jurors in criminal cases, or in the case of victims, places them at serious risk of harm. This is, at the very least, inappropriate and dangerous.

In light of these concerns, we request responses to the following questions:

- What steps will DHS take to ensure that individuals targeted by VOICE are not deprived of any legal rights, including the constitutional rights to due process and equal protection of the laws?
- What personally identifiable information does VOICE intend to release about immigrants? Please also detail the process by which it will determine how to release the information, and who will have access to the information.
- How does DHS intend to prevent the release of information about minors, regardless of their immigration status?
- What steps is DHS taking to ensure the privacy and confidentiality of detained victims of domestic violence, sexual assault, and other crimes in the DHS-VINE system?
- What steps will DHS take to ensure that the information provided to the public is accurate?
- What is your definition of a “criminal illegal alien”? How will DHS ensure that it will not present this information to give any misleading impressions about the rate at which immigrants are the perpetrators of crimes?

Further, given that Congress already established a federal Office for Victims of Crime within the Department of Justice that provides many, or perhaps all, of the same resources as VOICE, including information for victims and the general public, we have concerns about redundancy. The executive order that established VOICE stated that it was the policy of the executive branch to “[m]ake use of all available systems and resources to ensure the efficient and faithful execution of the immigration laws of the United States.” If the impact of VOICE is to perpetuate the erroneous idea that immigrants are criminals and bad people, it is not only unwarranted, but it poses a danger to the targeted populations of immigrants.

We recognize the immense contributions of immigrants to our national life, and we remain committed to working towards comprehensive immigration reform. And though we strongly support efforts to prevent, investigate, and prosecute violent crimes as well as to support victims, we cannot countenance discrimination or scapegoating. As DHS continues its important work to protect our nation, we hope it remains mindful of the

history, and the consequences, of targeting immigrants in the United States and elsewhere in the world.

Thank you for your attention to our concerns. We look forward to your response.

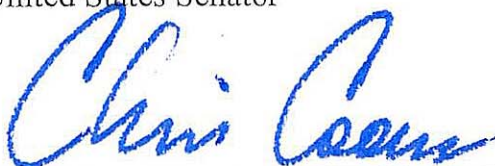
Sincerely,



MAZIE K. HIRONO
United States Senator



RICHARD J. DURBIN
United States Senator



CHRISTOPHER COONS
United States Senator



CATHERINE CORTEZ MASTO
United States Senator



AL FRANKEN
United States Senator



CORY A. BOOKER
United States Senator



PATRICK J. LEAHY
United States Senator

Respectfully,
in the U.S.

I thank you for your kind letter and the information you provided.


Very truly,
Yours,


DAVID L. JONES
United States Senator


GEORGE K. BROWN
United States Senator


ROBERT G. ALLEN
United States Senator


CHRISTOPHER CANNON
United States Senator


J. D. RUMSFELD
United States Senator


J. H. THOMPSON
United States Senator


PATRICK J. LEAHY
United States Senator