



*35th Anniversary*

## HISPANIC BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA

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June 27, 2012

*Via Electronic Mail and First Class Mail*

The Washington Post  
Attn: Letter to the Editor  
1150 15th Street N.W.  
Washington DC 20071

Dear Editor:

In response to the Washington Post's June 5, 2012 article, "D.C. Council votes to limit reach of federal effort aimed at illegal immigration," a few important points regarding the D.C. Council's passage of the Immigration Detainer Compliance Amendment Act warrant clarification.

First, the Act works to ensure that the D.C. judiciary and law enforcement retain the authority to make decisions in the best interest of the city's residents and financial resources. The Act protects the city's ability to determine the length of a person's custody in the face of federal pressures. Essentially, a D.C. judge may properly release a person whose sentence is served rather than suffering prolonged and unwarranted detention waiting for ICE to determine if it has an interest in the person sufficient for transfer into federal custody. The Act thus reflects the belief that city funds should not be wasted on incarcerating presumably innocent persons. The Act, moreover, supports the belief that local law enforcement, rather than ICE, are better suited to make a determination regarding an individual's threat, or lack thereof, to the community.

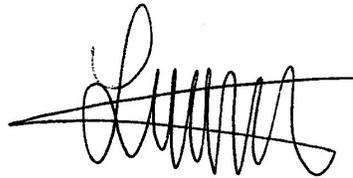
Second, the Act aims to address some of the severe consequences of the Secure Communities program, as manifested in its nationwide implementation, namely, the detention of harmless individuals whose families suffer from their removal. While the Obama Administration has insisted that the program's intent is to target dangerous criminals, ICE statistics since the program's inception reveal otherwise. ICE statistics for FY2012 YTD report that 13,229 individuals convicted of an aggravated felony have been removed, while 21,329 individuals with lesser or no criminal background also have been removed. ICE's limited resources obviously are being focused on removing the wrong individuals. By instructing law enforcement to only detain those over the age of 18 and those who have been convicted of a serious crime, the Act ensures that the District limits the severe consequences of Secure Communities to dangerous criminals.

Lastly, opponents argue that a 48-hour detention period is lawful or reasonable. In practice, the 48-hour detention period is hardly ever respected. In the 2010 calendar year, the District of

Columbia held individuals in detention, pursuant to Secure Communities, an average of 288 days. Without the Act, the number of individuals detained (and the attendant housing expenses) will increase. There is little doubt that this increase will impact the District's strained resources. This Act protects the city's finances by requiring the federal government to cover the costs of housing persons of federal interest.

We commend the D.C. Council for its passage of the Act. It implements the sound policy of protecting D.C.'s financial resources, ensures the removal of only dangerous convicted criminals, and allows D.C. officials to mitigate the apparently unjust consequences of a federal removal scheme that many realize needs serious improvement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lyzka P. DeLaCruz', with a long horizontal line extending to the left.

Lyzka P. DeLaCruz  
President