

## Microsoft Outlook

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**From:** (b)(6) & (b)(7)(C)  
**Sent:** Monday, October 04, 2010 10:18 AM  
**To:** (b)(6) & (... (b)(6) & (... (...  
**Subject:** RE: SCAAP and SC issue about "opting out"  
**Thanks** (b)(6) & (...

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**From:** (b)(6) & (... (b)(6) & (... (...  
**Sent:** Monday, October 04, 2010 10:15 AM  
**To:** (b)(6) & (b)(7)(C)  
**Subject:** Re: SCAAP and SC issue about "opting out"

Per (b)(6) & (b)..., the SCAAP/legislative portion went to (b)(6) & (... but I have not had further visibility on that . The binder is in progress but got delayed friday in other confusion about the overall assignment. It should be done this morning.

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**From:** (b)(6) & (b)(7)(C)  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6) & (... (b)(6) & (... (... (b)(6) & (b)(7)(C) (b)(6) & (b)(6) & (b)(... (b)(6) & (b)(7)(C) )  
**Sent:** Mon Oct 04 10:03:54 2010  
**Subject:** RE: SCAAP and SC issue about "opting out"

(b)(6)...

I finally reviewed all the stuff on this.

I sent Beth the draft memo but it seems like she was looking for more from us – draft legislative language and some kind of binder. Are we working on that?

(b)(6)...

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**From:** (b)(6) & (b)(7)(C)  
**Sent:** Friday, October 01, 2010 9:09 AM  
**To:** (b)(6) & (b)(7)(C)  
**Subject:** FW: SCAAP and SC issue about "opting out"

I sent the draft back for a clarification or two. I think it is actually very good. Should I furnish that to Beth along with the proposed SCAAP legislative change and tell her it is still a draft?

(b)(6)... (b)(... )>(6) ...  
Director of Enforcement and Litigation  
Office of the Principal Legal Advisor  
U.S. Immigration and Customs Enforcement

(b)(6) & (b)(7)(C)

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**From:** Gibson, Beth N [mailto:(b)(6) & (b)(7)(C)]  
**Sent:** Friday, October 01, 2010 5:39 AM  
**To:** Gibson, Beth N; Vincent, Peter S; Venturella, David  
**Cc:** (b)(6) & (b)(7)(C) (b)(6) & (b)(7)(C) )  
**Subject:** Re: SCAAP and SC issue about "opting out"

I expect the WP article today to keep the heat on this issue. Any sense of eta?  
Beth Gibson

12/31/2010

ICE FOIA 10-2674.0002997

Assistant Deputy Director, ICE

(b)(6) & (b)(7)(C)

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**From:** Gibson, Beth N (b)(6) & (b)(7)(C)  
**To:** Vincent, Peter S (b)(6) & (b)(7)(C); Gibson, Beth N (b)(6) & (b)(7)(C); Venturella, David (b)(6) & (b)(7)(C)  
**CC:** (b)(6) & (b)(7)(C)  
(b)(6) & (b)(7)(C)

**Sent:** Wed Sep 29 13:53:49 2010

**Subject:** Re: SCAAP and SC issue about "opting out"

If the draft memo explores the underlying CJIS agreement and authority, the draft may be useful now -- even if it is subject to revision. The "mandatory" piece from our view likely slows from the CJIS agreement (if you want their data, you play ball with all federal partners-as outlined in the CJIS charters and amendments).

Beth Gibson

Assistant Deputy Director, ICE

(b)(6), (b)(7)(C)

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**From:** Vincent, Peter S (b)(6) & (b)(7)(C)  
**To:** Gibson, Beth N (b)(6) & (b)(7)(C); Venturella, David (b)(6) & (b)(7)(C); Vincent, Peter S (b)(6) & (b)(7)(C)  
**Cc:** (b)(6) & (b)(7)(C)  
<(b)(6) & (b)(7)(C)>

**Sent:** Wed Sep 29 13:40:49 2010

**Subject:** FW: SCAAP and SC issue about "opting out"

Beth:

We have a draft memorandum under review now. We have not shared it yet to OGC. Would you like to see our draft before David has reviewed?

(b)(5) AC

Of course, the draft memorandum discusses that issue.

Best regards,

Peter

Peter S. Vincent  
Principal Legal Advisor  
Office of the Principal Legal Advisor  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security

(b)(6) & (b)(7)(C)

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**From:** Gibson, Beth N [mailto:(b)(6) & (b)(7)(C)]  
**Sent:** Wednesday, September 29, 2010 12:00 PM  
**To:** Venturella, David; Vincent, Peter S  
**Cc:** (b)(6) & (b)(6) & (b)(6); (b)(6) & (b)(7)(C); (b)(6) & (b)(7)(C)  
**Subject:** RE: SCAAP and SC issue about "opting out"

Dave and Peter,

I am following up on the get backs listed below. First, Dave, thanks for the SFR ordinance that you sent and for the revised messaging on SC generally. I am now focused on how to rework our messaging on the "opting out"

12/31/2010

ICE FOIA 10-2674.0002998

issue emerging in several places. The urgency on the get backs has increased, particularly in light of the Santa Clara votes. Peter, I understand Director Morton asked you to pull together a binder of the legal underpinnings. That dovetails with the get backs listed below (pasted from my September 9<sup>th</sup> email). Please provide asap to help inform the redraft of the opt out language. Dave, If you have specific language drafted to move away from the "voluntary" and "phased" language we have been using, please send it. Thanks

"In terms of specific meeting get backs,

--OPLA is gathering the legal support for the "mandatory" nature of participation in 2013

--SC is drafting revised language to describe the shift from the current "voluntary" formula to the "2013" formula"

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**From:** Venturella, David

**Sent:** Friday, September 10, 2010 2:24 PM

**To:** Gibson, Beth N

**Cc:** (b)(6) & (b)(6) & (b)(...); Vincent, Peter S; (b)(6) & (b)(7)(C)

**Subject:** RE: SCAAP

FYI – Attached in the SFR City Ordinance the Sheriff references.

**David J. Venturella**

**Assistant Director - Secure Communities**

[REDACTED]

[http://www.ice.gov/secure\\_communities/](http://www.ice.gov/secure_communities/)

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**From:** Gibson, Beth N

**Sent:** Thursday, September 09, 2010 7:40 AM

**To:** Venturella, David

**Cc:** (b)(6) & (b)(6) & (b)(...); Vincent, Peter S; (b)(6) & (b)(7)(C)

**Subject:** RE: SCAAP

Dave,

Director Morton will be calling (b)(2)(high), (b)(7)... If he still wants me to go to SF for a meeting, I think you definitely should attend. You are more than welcome to attend any meetings that follow, even if we opt against OAS participation. Please loop (b)(2)... into that issue.

In terms of SCAAP, I think you should approach the folks in DOJ with whom you have good relationships. Please first explore whether they think the application could be amended to indicate a clear preference that jurisdictions use SC as a tool to speed and ease the identification of illegal aliens they have/have had in their custody. I think we may have some room for gains even before we tackle whether to try to bring SCAAP over to ICE and statutory reform.

In terms of statutory provisions, (b)(6) & (b)(7)(C) is looking at the issue. Ideally, [REDACTED]

(b)(5) DP

(b)(5) DP

In terms of specific meeting get backs,

--OPLA is gathering the legal support for the "mandatory" nature of participation in 2013

--SC is drafting revised language to describe the shift from the current "voluntary" formula to the "2013" formula

--SC is monitoring for the need for a meeting in SF

--I will follow any call between the Director and AG Brown and let SC know if the call alters the bullet above.

Call if you need any clarification of if I missed any get backs. Otherwise, send the get backs to me and we will schedule a follow up meeting once it is all collected.

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**From:** Venturella, David

**Sent:** Tuesday, September 07, 2010 5:33 PM

**To:** Gibson, Beth N

**Subject:** Re: SCAAP

Beth,

Based on the discussion we had this afternoon, is there anything more you need me to do with this white paper?

Also, do you still plan on making the trip to SFR? If so, would you need me to join you? I would be happy to participate.

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Sent using BlackBerry

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**From:** Gibson, Beth N

**To:** Venturella, David

**Cc:** Chaparro, James

**Sent:** Mon Sep 06 13:57:23 2010

**Subject:** RE: SCAAP

This is quite helpful. Your suggestions are quite good.

(b)(5) DP

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**From:** Venturella, David

**Sent:** Friday, September 03, 2010 3:14 PM

**To:** Gibson, Beth N

**Cc:** Chaparro, James

**Subject:** SCAAP

Beth,

This is my first cut at this.

**David J. Venturella**

**Assistant Director - Secure Communities**

**Office:** (b)(6) & (b)(7)(C) **Cell:** (b)(6) & (b)(7)(C)

**FAX:** (b)(6) & (b)(7)(C)

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