



Enforcement & Removal » 287(g) (<http://www.ice.gov/287g/>)



## Fact Sheet: Updated Facts on ICE's 287(g) Program

### Summary

The Department of Homeland Security (DHS) Office of the Inspector General (OIG) conducted a review of the 287(g) delegation of authority program during the period from February 2009 through July 2009, and published its findings in March 2010.

However, it is important to note that in mid-July 2009, Immigration and Customs Enforcement (ICE) asked all of its partnering agencies to sign revised memorandums of agreement that improved oversight, management and communication of the program. Since the audit was conducted, ICE has fundamentally reformed the 287(g) program, strengthening public safety and ensuring consistency in immigration enforcement across the country by prioritizing the arrest and detention of criminal aliens.

Additionally, the 287(g) program continues to coordinate extensively with the DHS OIG to consider recommendations for improvements to operations, policies, technical systems, and training associated with the 287(g) program. For instance, ICE continues to enhance its data systems to more specifically recognize criminal aliens identified through the 287(g) program by the nature of their criminal offenses. The 287(g) program also continues to work with the DHS Office of Civil Rights and Civil Liberties (CRCL) to develop in-depth courses and corresponding policies addressing supervisory responsibilities, victim-witness assistance, constitutional protections, and civil rights. In September of 2012, DHS OIG released their report entitled "The Performance of 287(g) Agreements FY 2012 Follow-Up". Within this report, OIG indicated the following results of the review:

- "Our report provides updated information on the status of ICE efforts to address recommendations in our prior reports, Performance of 287(g) Agreements, The Performance of 287(g) Agreements Report Update, and The Performance of 287(g) FY 2011 Update. In addition, we assessed the 287(g) Inspections Unit's continued efforts to evaluate conformance with MOAs between local ICE offices and LEAs. Since our initial 287(g) report in March 2010, ICE has made significant progress in implementing our recommendations. To close a recommendation, we must agree with the actions ICE has taken to resolve our concerns. Of the 62 total recommendations included in our prior reports, 60 have been closed based on corrective action plans and supporting documentation provided by ICE."

### Quick Stats

- More than 1,300 officers have been trained and certified.
- ICE has 39 active Memorandum of Agreements (MOA) in 19 states.

### To improve 287(g) program operations, ICE has done the following:

- Implemented comprehensive guidelines for ICE field offices that supervise 287(g) partnerships, prioritizing the arrest and detention of criminal aliens.
- Requires 287(g) officers to maintain comprehensive alien arrest, detention, and removal data in order to ensure enforcement efforts remain focused on criminal aliens, particularly those who pose the greatest risk to public safety and community.
- Strengthened the 287(g) basic training course and created a new refresher training course, providing detailed instruction on the terms and requirements of the MOA and the responsibilities of a 287(g) officer.
- Deployed additional supervisors to the field to ensure greater oversight over 287(g) operations.
- Established an Internal Advisory Committee, which includes the DHS CRCL, to review and assess ICE field office recommendations about pending 287(g) applications.

### The Revised 287(g) MOA

- After extensive coordination between several ICE components to include ERO, Homeland Security Investigations, Office of the Principal Legal Advisor, Office of Professional Responsibility (OPR), Office of Policy, Office of Privacy, and the DHS CRCL, and with consideration given to recommendations made by OIG in their published report, OIG-11-19, The Performance of 287(g) Agreements FY 2011 Update, the 2013 version of the MOA template has been drafted and is awaiting approval.
- This updated document will ensure clarity, consistency and uniformity with current ICE policies and procedures and includes enhancements to the previous MOA relating to:
  - training requirements;
  - the OPR inspection review process;

- program supervision;
- ICE's civil immigration enforcement priorities;
- civil rights standards;
- complaint procedures;
- release of information to the media;
- the credentialing process;
- statistical reporting requirements.

### **Oversight and Supervision**

- ICE has increased its human capital resources to enhance 287(g) program's mission and objectives and implemented national training programs for ICE field personnel and Law Enforcement Agency (LEA) personnel.
- ERO announced 12 full time oversight positions that were filled in FY 2011.

### **Outreach and Communications**

- ICE restructured the Office of State Local and Tribal Cooperation to establish an outreach and communications component in February 2010 to provide public education, building and maintaining transparent partnerships with LEAs, external stakeholders, NGOs and community leaders. National and local outreach includes effort to: Establish and facilitate steering committees in each 287(g) jurisdiction with set mission, objectives, and responsibilities.
- Build, foster and strengthen communications with internal and external stakeholder groups and community leaders.

### **Benefits**

- By working together, local and federal officers can better identify and remove criminal aliens – a tremendous benefit to public safety.
- One of the biggest benefits to our 287(g) partners is that they are able to better identify individuals in custody.

### **Racial Profiling**

- Racial profiling is simply not something that will be tolerated, and any indication of racial profiling will be treated with the utmost scrutiny and fully investigated. If any proof of racial profiling is uncovered, that specific officer or department could have their authority and/or agreement rescinded.
- In addition to the training these officers receive from their local departments, the 287(g) training includes coursework on multicultural communication and the avoidance of racial profiling.

### **287(g) Training Programs**

- Prior to being delegated ICE immigration authority, selected state and local officers must attend and successfully complete ICE's basic immigration authority training.
- The basic training program is four weeks in duration and includes coursework in immigration law, the use of ICE databases, multi-cultural communication and the avoidance of racial profiling.
- ICE continues to review, assess and improve the existing 287(g) basic course as well as the 287(g) refresher course to address issue areas identified in the OIG report through coordination with internal and external stakeholders.
- The basic and refresher training is conducted at the Federal Law Enforcement Training Center's Charleston, South Carolina campus.

### **287(g) Budget Information**

- FY 2006 - \$5 million
- FY 2007 - \$15 million (5.4 million plus an additional \$10.09 million as the result of a supplemental appropriation.)
- FY 2008 - \$42.1 million
- FY 2009 - \$54 million
- FY 2010 - \$68 million
- FY 2011 - \$68 million
- FY 2012 - \$68 million
- FY 2013 - \$68 million