

287(g) training program explained that they were better able to address program needs as a result. LEA supervisors and managers who had not received 287(g) training advised us that they would be better able to support 287(g) efforts if they had received information about the program. Managers and supervisors at another location suggested that ICE develop an abbreviated 287(g) orientation program so they could better understand the 287(g) program, along with the duties and responsibilities of their staff who are participating in the program.

LEA and ICE officials indicated that ICE should consider providing LEA supervisor training as part of its efforts to improve operating conditions. At the time of our fieldwork, OSLC had begun coordinating with OTD to develop and deliver this type of training program. With training, LEA supervisors would be better positioned to provide an effective operating environment for 287(g) officers.

Recommendation

We recommend that the Assistant Secretary for Immigration and Customs Enforcement:

Recommendation #30: Develop training and provide basic program information for LEA managers who maintain an oversight role for 287(g) officers in order to increase their understanding of the program and encourage their support of 287(g) activities.

287(g) Officers Need Consistent Access to DHS Information Systems

Immigration officers use several DHS information systems to enter and retrieve information when performing immigration enforcement functions. However, 287(g) officers maintain varying levels of access to DHS systems. Limitations in system access can inhibit 287(g) officers' ability to perform their full range of immigration activities.

287(g) officers use the following DHS systems to perform immigration enforcement functions:

- *Enforcement Case Tracking System (ENFORCE)* is the primary ICE administrative case management system. It includes biographical data on aliens and links to related biometric information, and it is used to identify and track

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aliens during the detention and removal processes. 287(g) officers use ENFORCE to enter information about their encounters with aliens and to process aliens for removal from the United States. 287(g) officers also use ENFORCE to determine the disposition of past immigration hearings and removals.

- *Central Index System (CIS)* contains information on aliens' A-files, as well as basic biographical information on lawful permanent residents, naturalized citizens, and violators of immigration laws. 287(g) officers use the system to determine whether an alien has an existing A-file they need to request, or to create A-files for newly identified aliens.
- *National File Tracking System (NFTS)* tracks and accounts for A-files. 287(g) officers use the system to locate existing A-files for aliens they have encountered in order to request and update the A-files.
- *Computer Linked Application Information Management System (CLAIMS)* records and tracks the status of applications for immigration benefits and naturalization petitions. 287(g) officers use this information to determine the status of aliens' immigration benefits and naturalization applications, both of which are key factors in their removability.
- *TECS*, formerly known as the *Treasury Enforcement Communications System*, contains inspection data on travelers who have entered or attempted to enter the United States, as well as information on ICE criminal investigations. 287(g) officers use this system to determine whether aliens have entered the country illegally. Some TFOs also use TECS to record investigative case information and prepare reports on associated searches, arrests, and seizures.

As of March 2009, OSLC indicated that there were 805 active 287(g) officers. OCIO records showed that 92%, or 738, of these officers had access to the ENFORCE system. However, 561 officers (70%) had access to NFTS, 358 officers (44%) had access to CIS, 283 officers (35%) had access to CLAIMS, and 81 officers (10%) maintained system accounts in TECS.

287(g) officers at two locations said that different officers in their LEAs who perform the same immigration functions have access to different DHS systems or different parts of those systems. OCIO

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data regarding 287(g) officers' system access indicate that even though a high percentage of officers had access to ENFORCE, fewer than a third had access to the ENFORCE Removals Module, which contains information on the final disposition of aliens' immigration hearings and removal proceedings. Within CIS, 287(g) officers had 22 different system access configurations, ranging from complete system access for 3 officers to access to approximately half of the system for 140 officers.

According to ICE officials, system access differences were an outgrowth of local program conditions. For example, at one location, ICE representatives advised that 287(g) officers did not need to use NFTS because ICE administrative staff located and requested A-files on their behalf. They further explained that the program aimed to limit 287(g) officer access to TECS because of concerns regarding the sensitivity of information. ICE representatives also said that in some cases, 287(g) officers' accounts have expired due to infrequent use. However, they were unable to explain other disparities in system access.

287(g) officers' access to DHS systems needs to be more uniform to enable ICE to better monitor the appropriateness of system access, and to ensure uniformity in their ability to input and retrieve immigration enforcement data.

Recommendation

We recommend that the Assistant Secretary for Immigration and Customs Enforcement:

Recommendation #31: Establish and implement standard immigration system access profiles for 287(g) officers to ensure that officers have the access needed to perform immigration functions. These access profiles should be customized by program model to address the different functions that TFOs and JEOs perform.

Additional Issues Identified

During our review, we identified additional issues that, while not directly related to our objective of assessing ICE controls over 287(g) program implementation, we feel should be brought to management's attention.

ICE Has Used Unauthorized Detention Facilities to Detain Aliens Identified Through the 287(g) Program

ICE enters into Inter-Governmental Service Agreements (IGSA) with state and local jurisdictions to use their facilities to detain aliens in ICE custody. ICE compensates facilities with IGSA for the cost of detaining aliens at a prearranged rate. As of February 2009, 29 of the 66 jurisdictions participating in the 287(g) program had active IGSA with ICE for detaining aliens. In FYs 2008 and 2009, ICE paid 21 of these jurisdictions to detain aliens identified and processed by 287(g) officers.

Before entering into an IGSA, ICE conducts a physical inspection of the facility to ensure compliance with ICE detention standards, and examines the cost-effectiveness of the agreement. Thereafter, ICE conducts annual inspections of facilities authorized to house ICE detainees. These annual inspections assess the facilities' compliance with ICE custody standards to ensure safe, secure, and humane conditions for detainees.

According to data ICE provided us, it has detained aliens identified through the 287(g) program at three facilities that were not authorized by ICE, and therefore not subject to inspection. ICE compensated participating jurisdictions for detention services in these facilities, although the facilities were not authorized to house aliens in ICE custody. From October 2008 to early March 2009, ICE detained a daily average of 65 aliens identified through the 287(g) program in these facilities.

Detention facility inspections help ensure compliance with ICE detention standards. ICE needs to ensure that detention facilities used to house 287(g) detainees are approved and operating in accordance with applicable standards.

Recommendation

We recommend that the Assistant Secretary for Immigration and Customs Enforcement:

Recommendation #32: Develop a process for performing regular checks to ensure that aliens identified through the 287(g) program are not held in unauthorized facilities while in ICE custody.

ICE Vehicles Have Been Underutilized

ICE purchased 74 vans in FYs 2006 and 2007, and distributed them to ICE field offices with 287(g) programs. ICE managers at these field offices planned to have 287(g) officers use the vans to transport aliens in ICE custody. However, ICE has not permitted 287(g) officers to drive the vans because of liability concerns regarding the use of ICE vehicles by outside employees. Additionally, ICE has not permitted 287(g) officers to use the vehicles because MOAs do not specifically allow for such use of government property. Therefore, several of the vans are not being used for any program purpose.

At one program site we visited, ICE field staff reported that they had received six vans for the 287(g) program; however, the vans could not be used since 287(g) officers are not ICE employees. An ICE manager at another field office told us that its two vans were generally idle because ICE policy prevented 287(g) officers from using them.

Since OSLC does not maintain information on the location of all vehicles that were delivered to ICE field offices for use in the 287(g) program, we were unable to assess the full extent of this problem. However, ICE's liability concerns are not clear to us. For purposes of determining liability and immunity from civil lawsuits, section 287(g)(8) assures that officers performing delegated duties shall be considered to be acting under the color of federal authority. We also note that section 287(g)(4) allows officers to use federal property as provided for in the MOAs. ICE should consider whether the administrative prohibition on vehicle use by 287(g) officers could be resolved by amending the MOAs as appropriate.

Recommendation

We recommend that the Assistant Secretary for Immigration and Customs Enforcement:

Recommendation #33: Evaluate ICE's position on the use of 287(g) vehicles by participating LEA officers to determine whether the vehicles can be used for the purpose for which they were purchased. If not, identify underutilized 287(g) vehicles, and take appropriate steps to use or dispose of those assets in accordance with applicable law.

Management Comments and OIG Analysis

We evaluated ICE's written comments and have made changes to the report where we deemed appropriate. Below is a summary of ICE's written responses to our recommendations and our analysis of the responses. A copy of ICE's response, in its entirety, appears in Appendix B.

Recommendation #1: Establish a process to collect and maintain arrest, detention, and removal data for aliens in each priority level for use in determining the success of ICE's focus on aliens who pose the greatest risk to public safety and the community.

ICE Response: ICE concurs with the recommendation. In June 2009, OSLC created a data quality review section to analyze data that 287(g) officers put into ICE data management systems. Particular attention will be paid to the numbers of criminal aliens identified and the nature of their offenses. In August 2009, the ICE OSLC mandated that 287(g) officers populate the Criminal Sensitivity Level fields in the Enforcement Case Tracking System. OSLC is currently working with ICE's Secure Communities and ICE's Detention and Removal Operations to refine the Criminal Sensitivity Levels to comply with ICE priorities.

OIG Evaluation: The recommendation is resolved and open pending our receipt and review of the revised Criminal Sensitivity Level fields to ensure compliance with ICE priorities. In addition, ICE needs to provide documentation of the data quality review process for analyzing data that 287(g) officers input to ICE systems as part of efforts to ensure a focus on aliens who pose the greatest risk to public safety and the community.

Recommendation #2: Develop procedures to ensure that 287(g) resources are allocated according to ICE's priority framework.

ICE Response: ICE concurs with the recommendation. OSLC is developing a strategic plan that directly aligns its goals and objectives, and those of the 287(g) program, with ICE and DHS priorities. OSLC has drafted a revised performance measure that will consider the nature of the criminal offense based on the severity of crime (Levels 1, 2, and 3). OSLC will establish a baseline and communicate targets for each severity level that will reflect prioritizations based on crime level, and average volume of encounters within each crime level.

OIG Evaluation: The recommendation is unresolved and open. ICE has established priorities for alien arrest and detention levels, but has not developed a process to ensure that 287(g) resources are prioritized according to these levels. This recommendation will remain unresolved and open pending ICE's development of such a process.

Recommendation #3: Establish and implement TECS data entry requirements that reflect investigative efforts and related prosecutions associated with the 287(g) program.

ICE Response: ICE concurs with the recommendation. This recommendation was completed on May 9, 2009, when the ICE Office of Investigations (OI) and DRO Directors signed a memorandum requiring OI and DRO offices to use the Treasury Enforcement Communication System program codes specific to the 287(g) program to capture administrative arrests, investigations, and prosecutions.

OIG Evaluation: The recommendation is unresolved and open. The May 9, 2009 memorandum, addresses initial data entry of a specific code to identify administrative arrests, investigations, and prosecutions. However, it does not include a data entry requirement for any updates to case information or the final judicial disposition.

Recommendation #4: Establish a process to ensure effective supervision of 287(g) officers and immigration enforcement operations.

ICE Response: ICE concurs with the recommendation. The OSLC and the ICE Office of Training and Development (OTD) are developing a Supervisory/Manager training curriculum for ICE personnel who oversee 287(g) officers in the field. The training will be operational in 2010. OSLC FY10 performance measures include headquarters oversight of the supervisory functions for 287(g). Additionally, OSLC is developing a comprehensive communications plan to facilitate widespread understanding of ICE supervisory roles. This communications plan will be ready for implementation by February 2010. OSLC will coordinate with OTD to ensure the plan is included in future supervisory training modules.

OIG Evaluation: The recommendation is resolved and open pending our receipt and review of the Supervisory/Manager

training curriculum and the communications plan, along with dates for implementation.

Recommendation #5: Develop controls to ensure that supervisory responsibilities for 287(g) supervisors are considered when determining staffing ratios in ICE field offices.

ICE Response: ICE concurs with the recommendation. ICE has received funding that will allow additional supervisory positions within the 287(g) program. ICE has distributed a total of 23 program manager positions to field offices to support existing 287(g) programs. These additional positions will help balance the ratio of supervisors. ICE will strive to continue expanding the number of supervisors as the 287(g) program matures.

OIG Evaluation: The recommendation is unresolved and open. The addition of 23 program manager positions to support existing 287(g) programs should help to reduce current staffing deficiencies. However, the ICE response does not address a process to ensure that responsibilities for 287(g) supervisors are consistently taken into consideration when determining staffing ratios for ICE field offices.

Recommendation #6: Ensure that 287(g) supervision is provided by authorized staff with the appropriate knowledge, skills, and abilities.

ICE Response: ICE concurs with the recommendation. The OSLC and OTD are developing a three day Supervisory/Manager training curriculum for ICE personnel who oversee 287(g) officers in the field. The training will cover all aspects and responsibilities of the MOA for ICE and our partners. All 287(g) ICE managers and supervisors will be required to complete the training, which will be operational in 2010.

OIG Evaluation: This recommendation is resolved and open pending our receipt and review of Supervisory/Manager training curriculum and verification of its use for all 287(g) ICE managers and supervisors.

Recommendation #7: Develop and implement 287(g) field supervision guidance that includes, at a minimum (1) the frequency and type of contact required between 287(g) officers and ICE supervisors; (2) the preparation, review, and approval of operational plans for community-based immigration enforcement activities; and (3) performance feedback requirements for 287(g) officers.

ICE Response: ICE concurs with the recommendation. OSLC is creating a communications plan to improve our interactions with community groups and all other stakeholders. The plan will delineate best communication practices and benefits, and ensure that stakeholders understand the 287(g) program's policies and initiatives. The communications plan is scheduled to be completed by February 2010 and will address the issues raised in the draft report. The communications strategy will incorporate a standard process for creating, reviewing, and delivering clear, consistent messages about the 287(g) program, including the goals and mission of the program, the benefits of the program, and recent success stories. The communications strategy will also include a stakeholder assessment to identify and assess stakeholders' needs and concerns.

OIG Evaluation: This recommendation is unresolved and open. The communication plan described in ICE's response should be effective in improving interactions with community groups and other stakeholders. However, the purpose of this recommendation is to resolve inconsistencies identified in ICE's supervision of 287(g) officers, which is not addressed in the proposed communications strategy.

Recommendation #8: Establish and implement a comprehensive process for conducting periodic reviews, as well as reviews on an as-needed basis, to determine whether to modify, extend, or terminate 287(g) agreements. At a minimum, this process should include an assessment of (1) current or previous concerns expressed by field office staff; (2) media attention or community concerns that contribute to negative or inappropriate conclusions about the 287(g) program; (3) lawsuits or complaints; (4) potential civil rights and civil liberties violations; and (5) ICE's ability to provide effective supervision and oversight.

ICE Response: ICE concurs with the recommendation. In FY 2008, the ICE Office of Professional Responsibility (OPR) established a 287(g) Review Program to review the terms of the MOAs. OSLC relies on OPR inspections reports to support decisions to modify, extend, or terminate 287(g) agreements. Further, OSLC communicates regularly with LEA counterparts, non-government organizations, and the DHS Office for Civil Rights and Civil Liberties to collect feedback about the 287(g) program. The formalization of communications to LEAs is included in the OSLC communications plan that will be completed in February 2010.

OIG Evaluation: This recommendation is unresolved and open. Inspections conducted by OPR are important to ensure LEAs' compliance with 287(g) agreements. However, the recommendation addresses other factors that should be incorporated into an overall strategy for determining whether current 287(g) agreements should be modified, extended, or terminated. Reference to those factors was not included in the ICE response.

Recommendation #9: Require 287(g) program sites to maintain steering committees with external stakeholders, with a focus on ensuring compliance with the MOA.

ICE Response: ICE concurs with the recommendation. OSLC is developing a communications plan which will incorporate all channels for delivering and receiving key communications, including steering committees. The communications strategy will be implemented in 2010, and will include a communications planning matrix to identify critical communications activities, when they need to be executed, and the point-of-contact responsible for executing the activities.

OIG Evaluation: This recommendation is unresolved and open. The communications strategy described in ICE's response does not address any specifics regarding steering committees, such as its membership, or specific duties and responsibilities in assessing immigration enforcement activities or compliance with the MOA.

Recommendation #10: Establish a process to periodically cross-check OPR, OSLC, and OCIO records to confirm 287(g) officers' eligibility and suitability to exercise authorities granted under 287(g) MOAs.

ICE Response: ICE concurs in part with our recommendation, noting that 287(g) officers are vetted only for suitability, and not for issuing federal security clearances. ICE has established a system to ensure that suitability reviews are conducted for all 287(g) officers. This process is addressed in the ICE policy established in October 2007 titled, "ICE Screening Criteria for Federal, State, or Local Law Enforcement, Correctional, and Mission Support Personnel Supporting ICE Programs." ICE acknowledges that, prior to the establishment of this policy, Office of Chief Information Officer, OPR, and OSLC rosters of 287(g) nominees and officers were not reconciled. To further ensure proper access is granted only to qualified participants, OSLC is

creating a policy entitled "Suspension and Revocation of a Designated Immigration Officer's 287(g) Authority." This policy will formalize the current cross checks performed by the OSLC training manager on active/inactive 287(g) officers listed with OPR.

OIG Evaluation: The recommendation is resolved and open. MOAs in effect during our field work included language that all candidates must be approved by ICE and qualify for federal security clearances. This was revised in the new MOAs, which require that all candidates be able to qualify for access to appropriate DHS and ICE databases. We will close this recommendation after receipt and review of the new policy, which formalizes cross checks performed on active and inactive 287(g) officers listed with OPR.

Recommendation #11: Establish a process to ensure that LEAs report to OPR any allegations or complaints against 287(g) officers and other LEA personnel alleged to have improperly performed immigration enforcement activities, as well as the results of any subsequent investigations.

ICE Response: ICE concurs with the recommendation. The new MOA requires participating agencies to inform ICE of all complaints regarding their 287(g) officers as well as the outcome of those complaints.

OIG Evaluation: Based on our review of the new MOA, we consider the recommendation resolved and closed.

Recommendation #12: Establish and implement procedures on how the results of complaints, allegations, and subsequent investigations against LEA personnel conducting immigration enforcement activities should be maintained and used as part of the suitability and recertification processes.

ICE Response: ICE concurs with the recommendation. OSLC has developed a comprehensive procedure through which it delivers the results of all OPR inspections and the respective areas for improvement to ICE field components for action. All inspection and administrative investigative findings from OPR, CRCL, and the OIG will be evaluated by OSLC management to determine the feasibility of all ICE 287(g) partnerships. The same process is used to document individual LEA officer derogatory findings.

OIG Evaluation: The recommendation is unresolved and open. The comprehensive procedure in ICE's response pertains to OPR inspection reports, which address overall 287(g) program compliance. However, the focus of this recommendation is the use of complaints, allegations, and investigations involving individual LEA personnel conducting immigration enforcement activities as part of the suitability and recertification process. Therefore, the procedures used for addressing OPR 287(g) reports are not responsive to this recommendation.

Recommendation #13: Establish specific operating protocols and requirements for operational variances identified in task force and jail enforcement program models.

ICE Response: ICE concurs with the recommendation which was completed in July 2009, with issuance of the new MOA template. Appendix D of the revised MOA was drafted to provide flexibility to address issues of local concern, including the variances cited in the OIG report. ICE can negotiate with jurisdictions before entering into 287(g) partnerships to address supervisory arrangements, state and local laws, and other specific needs of a particular agency.

OIG Evaluation: The recommendation is unresolved and open. As stated in the ICE response, Appendix D of the revised MOA provides flexibility to address any specific issue of concern. However, this flexibility does not provide assurances that variances in 287(g) operating protocols, such as those identified in our report will be consistently addressed. The new MOA requirement for operations plans to be submitted to an ICE agent for approval prior to being carried out is a positive step in providing guidance and consistency in 287(g) operations.

Recommendation #14: Study the feasibility and appropriateness of increasing the frequency of OPR 287(g) inspections, and report findings to the OIG.

ICE Response: ICE concurs with the recommendation. In 2009, ICE decided to increase the frequency of OPR 287(g) inspections. In FY 2010, OPR will ensure that 48 of 64 of the 287(g) programs, or 75%, will have been reviewed.

OIG Evaluation: The recommendation is unresolved and open. For FY 2010, ICE has determined how many OPR inspections will be completed. However, ICE has not provided any specific quantity or the details regarding a process for determining the

frequency for conducting OPR inspections beyond the current fiscal year to ensure continued management attention and oversight.

Recommendation #15: Require 287(g) applicants to provide information about past and pending civil rights allegations, and incorporate a civil rights and civil liberties review as part of the documented 287(g) site selection and MOA review processes.

ICE Response: ICE concurs with the recommendation which was completed in August 2009, when OSLC created a candidate questionnaire for all LEA officers attending 287(g) training. Additionally, DHS CRCL is now an active participant in the OSLC Internal Advisory Committee.

OIG Evaluation: This recommendation is unresolved and open. The candidate questionnaire developed for each proposed law enforcement officer candidate should be a useful tool in ICE's initial suitability assessment of 287(g) candidates. However, the focus of this recommendation is to address past performance of each LEA, including civil rights and civil liberties factors, as part of the site selection and MOA review processes, which is not a part of the candidate questionnaire.

Recommendation #16: Include a representative on the advisory committee to provide insights into civil rights and civil liberties issues as part of the approval process.

ICE Response: ICE concurs with the recommendation which was completed in October 2009, when DHS CRCL began participating in the OSLC Internal Advisory Committee.

OIG Evaluation: This recommendation is resolved and open pending our receipt and review of documentation that describes CRCL's role and responsibilities on the OSLC Internal Advisory Committee as it relates to the 287(g) application review and site selection process.

Recommendation #17: Develop a process to ensure that information submitted from ICE field offices as part of the application review process is fully taken into consideration before a final decision is made. This recommendation should include provisional approvals that require resource considerations to ensure proper supervision and oversight.

ICE Response: ICE concurs with the recommendation which was completed when OSLC instituted an Internal Advisory Committee in May 2009, to review and assess field office recommendations about pending 287(g) MOA applications. The Internal Advisory Committee is comprised of stakeholder representatives from ICE OI, DRO, OTD, SC, Office of Principle Legal Advisor (OPLA) Office of Chief Information Officer, Office of Congressional Relations, Office of Public Affairs, and DHS CRCL.

OIG Evaluation: This recommendation is resolved and open pending our receipt and review of documentation describing the process used by the OSLC Internal Advisory Committee to assess and review field office recommendations for pending 287(g) applications.

Recommendation #18: Establish collection and reporting standards that provide objective data to increase monitoring of methods participating jurisdictions use in carrying out 287(g) functions, and their effect on civil liberties. Collection and reporting requirements should include (1) the circumstances and basis for TFO contacts with the public, (2) the race and ethnicity of those contacted, and (3) the prosecutorial and judicial disposition of 287(g) arrests.

ICE Response: ICE does not concur, but is assessing the goal of this recommendation to ensure that ICE's 287(g) partners protect the civil liberties of every individual they encounter. OIG recommends the collection of data similar to a consent decree applicable to agencies that have engaged in racial profiling. This would require the collection of data beyond that which DHS and DOJ require of their own law enforcement officers and agencies. Although ICE strongly opposes racial profiling and adheres fully to all data collection requirements of federal law, the collection of this data raises logistical issues including whether a TFO would report all interactions, just interactions predicated solely on 287(g) authority, and how the TFO would distinguish in a meaningful way while performing his or her daily duties.

OIG Evaluation: This recommendation is unresolved and open pending our receipt and review of ICE's assessment of this recommendation, along with any subsequent plans to ensure that their 287(g) partners protect the civil liberties of individuals encountered.

Recommendation #19: Determine whether the current timeframe for civil rights law training is adequate to achieve appropriate

coverage, and modify timeframes and coverage as needed to ensure that sufficient training is provided.

ICE Response: ICE concurs with the recommendation. Starting in FY 2010, OSLC requires that 287(g) officers complete a "Use of Race" Virtual University course on an annual basis to retain their certification. The civil rights training in 287(g) addresses those provisions in the 4th, 5th, 6th, and 14th Amendments. The training covers criminal and administrative matters, and the federal statutes that address the deprivation of civil rights and the consequences for depriving people of their rights.

OIG Evaluation: This recommendation is unresolved and open. The focus of this recommendation is the effectiveness of the civil rights laws training curriculum, which we determined to be less comprehensive than similar training provided to ICE IEAs. While the "Use of Race" Virtual University course achieves the appropriate amount of coverage for a Use of Race training requirement, it can not be used as a supplement for achieving appropriate coverage in civil rights laws.

Recommendation #20: Ensure that 287(g) basic training includes coverage of MOAs, and public outreach and complaint procedures.

ICE Response: ICE concurs with the recommendation. On the first day of 287(g) officer training, OPLA instructors provide instruction on the terms of the MOA. Although ICE provides this training, ICE also expects that our 287(g) partners will ensure that their participating officers understand the responsibilities specified in the MOA. Public outreach principles are covered extensively in the "Cross Cultural Communication" block of the 287(g) training program. Instruction in "Complaint Procedures" was included in the training program, with additional instruction provided on complaint procedures and officer integrity.

OIG Evaluation: This recommendation is unresolved and open. Based on our review of training materials and course schedules, we determined that the MOA, public outreach, and complaint procedures are presented in 1-hour training modules. However, 287(g) officers informed us that ICE instructors have not consistently delivered these training modules, and they did not receive instruction on the MOA or complaint process. The purpose of this recommendation is for ICE to ensure that participants receive this training as specified in the course schedules.

Recommendation #21: Enhance the current 287(g) training program to provide comprehensive coverage of immigration systems and processing. At a minimum, this should include hands-on experience during the 287(g) basic training course, on-the-job training, and periodic refresher training.

ICE Response: ICE concurs with the recommendation. In February 2009, OSLC and OTD created a one week refresher training for active 287(g) officers who wanted additional immigration law and ICE systems training. In November 2009, the 287(g) basic training academy began using a state-of-the art simulated detainee processing and holding center. This allows 287(g) officers to experience various scenarios that occur when processing aliens. 287(g) students depart the ICE Academy with at least three practice folders to use as reference materials for future processing, and also use these folders in class during the "A-File Review" block of instruction. At any time, 287(g) officers can access the online distance learning refresher courses on the ICE Virtual University. Additionally, OSLC is creating an on the job training program manual for graduated officers with an expected delivery date of March 2010.

OIG Evaluation: This recommendation is resolved and open pending verification of a completed on the job training program manual for graduated officers.

Recommendation #22: Ensure that an appropriate level of coverage on immigration benefits, asylum, and victim and witness protections is included as part of the 287(g) basic training agenda.

ICE Response: ICE concurs with the recommendation. The "Special Status Aliens" and the "Victim Assistance" elements of the 287(g) basic training program include an overview of asylum, victim, and witness protections. Students receive instruction on the proper methods for assisting victims of human trafficking, abuse or other alien vulnerabilities. The court's decision in *American Baptist Churches v. Thornburg* is explained in detail and discussed in the "Alternate Orders of Removal" block of instruction. The assessment of a student's ability to meet the training objectives throughout the entire course is measured in multiple-choice exams and a series of 16 hours of hands-on, realistic, scenario-based practical exercises conducted in the final week of training.

OIG Evaluation: This recommendation is unresolved and open. As shown in the report, there was limited information in the 287(g) basic training program for significant immigration benefits. Of the

108 slides in the "Alternate Orders of Removal" block of instruction, we identified 3 that referred to Eligible American Baptist Churches class members. However, a definition or explanation of what qualified an alien to be a protected class member under this court decision was not provided.

Also, the multiple choice exam used to assess the students' ability to meet the training objectives does not include any questions that address the asylum process or immigration benefits, and only three questions that relate to victim and witness protections and asylum.

Recommendation #23: Establish and issue guidance to field office staff for 287(g) officer annual recertification training that emphasizes completion of online refresher training courses.

ICE Response: ICE concurs with the recommendation. OSLC is drafting a policy entitled, "Annual Recertification of Designated Immigration Officers' Delegated Authority." This policy is currently pending final approval.

OIG Evaluation: This recommendation is resolved and open pending our receipt and review of the approved policy.

Recommendation #24: Designate field office responsibilities for monitoring and enforcing compliance with training guidance to include, at a minimum, issuing and enforcing revocation notices for 287(g) officers who do not complete required training.

ICE Response: ICE concurs with the recommendation. OSLC is in the process of drafting a policy titled "Suspension and Revocation of a Designated Immigration Officer's 287(g) Authority." This policy is currently pending final approval.

OIG Evaluation: This recommendation is resolved and open pending our receipt and review of the approved policy.

Recommendation #25: Develop and implement clear guidelines for using interpreter support to assist with immigration duties and responsibilities.

ICE Response: ICE concurs with the recommendation. ICE trains 287(g) students on the importance of using interpreters in immigration enforcement. The training addresses the use of interpreters during the "Sworn Statements" block of instruction. The 287(g) graduates are granted access to online independent study foreign language tutorials. In July 2009, OSLC provided

LEAs upon request, access to the "DHS Interpreters Service." In an October 29, 2009 email communication, ICE offered 287(g) state and local partner's interpretation resources in conjunction with the Department of Justice's (DOJ) Civil Rights Division. DOJ also provided additional materials to include a flip card with words in multiple languages to help identify what language a person speaks. A printed copy of the communication and additional materials were mailed separately in November 2009.

OIG Evaluation: This recommendation is unresolved and open. ICE's response describes interpreter resources available to 287(g) officers. However, our finding addresses a need for clear guidelines that illustrates circumstances under which 287(g) officers should actually use interpreter support.

Recommendation #26: Establish a process to provide the public and other stakeholders with comprehensive information about the 287(g) program and associated operations.

ICE Response: ICE concurs with the recommendation. OSLC is developing a communications plan to be implemented in February 2010. The communications plan will incorporate standard processes for creating, reviewing, and delivering clear, consistent messages about the 287(g) program, including the goals and mission of the program, the benefits of the program, and recent success stories. The communications plan will also include a stakeholder assessment to identify and assess their needs and concerns. OSLC has also made modification to its Internet site. Documentation is readily available to the public, which includes redacted copies of all existing MOAs.

OIG Evaluation: This recommendation is resolved and open pending our receipt and review of the communications plan as implemented. The communications plan should incorporate program areas identified in the ICE response, in addition to 287(g) program policies and related statistics on overall program operations.

Recommendation #27: Ensure the accuracy of information disseminated to the public about the goals of the 287(g) program, its various operations, and how immigration enforcement activities are carried out in the actual working environment.

ICE Response: ICE concurs with the recommendation. OSLC is developing a communications plan for implementation by February 2010. This will identify roles and responsibilities and

incorporate standard processes for creating and delivering clear, consistent messages about the 287(g) program. The processes will include appropriate steps for reviewing communications for accuracy to establish a layer of accountability. Additionally, the strategy will identify opportunities to strengthen internal communications to help ensure that stakeholders are receiving and disseminating accurate information about 287(g). The strategy will also expand outreach and interaction with key stakeholders, such as conferences and conference calls, to strengthen feedback and enable OSLC to identify and address misinformation about the program in a timely manner.

OIG Evaluation: This recommendation is resolved and open pending our receipt and review of the communications plan detailing a process for ensuring the accuracy of 287(g) information disseminated to the public.

Recommendation #28: Publish 287(g)-complaint reporting procedures on ICE's public website, and ensure that these procedures are posted in participating LEA buildings, and shared at community meetings.

ICE Response: ICE concurs with the recommendation. The 287(g) complaint reporting procedure was completed and posted on the ICE website in October 2009. Also, the complaint reporting process is described in Appendix B of the MOA.

OIG Evaluation: This recommendation is resolved and closed.

Recommendation #29: Require 287(g) officers to identify themselves and display their credentials during federal immigration arrests, before initiating interviews regarding alien status and removability, and as part of other immigration processing activities.

ICE Response: ICE concurs with the recommendation. At graduation, all candidates are awarded ICE 287(g) credentials. During the training program, all 287(g) students are advised that as the first mandatory step in any official encounter, they must identify themselves by name, agency, and title.

OIG Evaluation: This recommendation is unresolved and open. As part of our review of the 287(g) training program, we did not identify course material that provided advice regarding officer identification as a first step in any official encounter. In addition,

providing such information in the form of advice is not sufficient to satisfy the intent of this recommendation.

Recommendation #30: Develop training and provide basic program information for LEA managers who maintain an oversight role for 287(g) officers in order to increase their understanding of the program and encourage their support of 287(g) activities.

ICE Response: ICE concurs with the recommendation. OSLC and OTD are creating two new 287(g) training curriculums. The first training curriculum is for ICE supervisors, the second training curriculum targets LEA supervisors who have not attended the 287(g) basic training. These two curriculums are still in development.

OIG Evaluation: This recommendation is resolved and open pending our receipt and review of the new 287(g) training curriculum for LEA managers who have not attended 287(g) basic training.

Recommendation #31: Establish and implement standard immigration system access profiles for 287(g) officers to ensure that officers have the access needed to perform immigration functions. These access profiles should be customized by program model to address the different functions that TFOs and JEOs perform.

ICE Response: ICE concurs with the recommendation. In July 2009, OSLC assumed the responsibility of creating PICS accounts and ENFORCE profiles for all 287(g) students. This was in response to complaints from field supervisors that 287(g) officers were not given all of the accesses they needed to perform their mission.

OIG Evaluation: This recommendation is unresolved and open. ICE's response does not address 287(g) officers' access to all DHS systems identified in our report that are used to perform immigration enforcement functions.

Recommendation #32: Develop a process for performing regular checks to ensure that aliens identified through the 287(g) program are not held in unauthorized facilities while in ICE custody.

ICE Response: ICE concurs with the recommendation. OSLC will work with DRO to ensure that after persons identified through the 287(g) program are taken into ICE custody, only authorized

and inspected facilities are used to detain them. This process will be completed by May 2010.

OIG Evaluation: This recommendation is resolved and open pending our receipt and review of documentation of OSLC and DRO actions to ensure that only authorized and inspected facilities are used to detain persons identified through the 287(g) program.

Recommendation #33: Evaluate ICE's position on the use of 287(g) vehicles by participating LEA officers to determine whether the vehicles can be used for the purpose for which they were purchased. If not, identify underutilized 287(g) vehicles, and take appropriate steps to use or dispose of those assets in accordance with applicable law.

ICE Response: ICE concurs with the recommendation. In FY 2006 – FY 2008, the 287(g) delegation of authority program purchased 14 sedans and 75 transport vans for OI and DRO. OI and DRO placed these vehicles in Special Agent in Charge (SAC) and Field Office Director (FOD) offices that support the 287(g) program. In 2008, ICE field offices requested permission to transfer the vehicles to law enforcement agencies participating in the 287(g) program utilizing hold harmless agreements. OSLC conferred with OPLA who affirmed that hold harmless agreements are insufficient to permit 287(g) participants to use government property or assets except as specified in the MOA. OSLC informed the SAC and FOD offices that the vehicles could not be transferred to participating law enforcement agencies and that the SAC and FOD offices should continue to use the vehicles themselves to support the 287(g) program. These vehicles are still being utilized by ICE field offices to support the delegation of authority mission.

OSLC will re-evaluate its options, and ascertain how these vehicles are specifically being utilized. OSLC notes that the MOAs specify the property and assets the government will procure and provide to 287(g) participants. Initial counsel opinion has affirmed that hold harmless agreements are insufficient to permit 287(g) participants to use government property or assets except as specified in the MOA. If, following our re-evaluation, we determine that we are unable to legally permit the use, any government property or assets reserved for use by 287(g) participants and not specified by the MOAs will be returned to inventory and applied to other ICE mission areas.

OIG Evaluation: This recommendation is unresolved and open. We agree with ICE's response to re-evaluate its approach, and ascertain how the vehicles are specifically being utilized. However, if ICE determines that the vehicles cannot be used for the purpose for which were purchased, ICE should seek legal counsel to ensure proper disposition of those vehicles, rather than automatically reallocating them for use in other ICE programs.

Appendix A
Purpose, Scope, and Methodology

The *Consolidated Appropriations Security, Disaster Assistance, and Continuing Appropriations Act of 2009* (Public Law 110-329), and attached House Report 110-862, require that we report on the performance of 287(g) agreements with state and local authorities. Pursuant to these requirements, we (1) assessed ICE controls over 287(g) program implementation, (2) determined whether the terms of 287(g) agreements had been violated by any parties, and (3) evaluated the effectiveness, efficiency, and economy of 287(g) operations.

We conducted our fieldwork, which included more than 90 interviews, from February to July 2009. We interviewed civil rights and immigration-rights NGO representatives from Arizona, California, Florida, Georgia, Maryland, Massachusetts, North Carolina, and Washington, DC, in addition to ICE and LEA senior officials and staff.

We consulted with DHS Office for Civil Rights and Civil Liberties officials on civil rights and civil liberties issues, and technical aspects of immigration law. Office for Civil Rights and Civil Liberties representatives accompanied us on three site visits and assisted with outreach efforts to NGOs.

We also accompanied an ICE OPR inspection team on a scheduled site visit, and independently observed program activities at six other 287(g) program jurisdictions. We reviewed 287(g) activities at the following jurisdictions:

- Benton County Sheriff's Office, Bentonville, AR
- City of Springdale Police Department, Springdale, AR
- Los Angeles County Sheriff's Office, Los Angeles, CA
- Maricopa County Sheriff's Office, Phoenix, AZ
- Prince William Manassas Adult Detention Center, Manassas, VA
- Rogers Police Department, Rogers, AR
- Washington County Sheriff's Office, Fayetteville, AR

We selected locations for our site visits from among program sites that had been operating for more than one year. Selection criteria included (1) the type of program model in place, (2) the number of LEA officers active in the program, (3) the number of 287(g) arrests and removals, (4) indications of possible violations based on reports of civil rights concerns in media reports, court cases,

Appendix A
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and complaints and investigations, and (5) whether other oversight entities had completed or planned site visits to these locations.

We performed extensive document review and analysis of 287(g) agreements, standard operating procedures, directives and policies, budgetary information, personnel security records, training materials, program data, and statistical information.

ICE renegotiated its agreements with participating jurisdictions based on an MOA template it released in July 2009. The new agreements contain requirements that were not included in prior agreements, and eliminate others that were. We did not assess compliance with the terms of these new agreements, as they were not in effect at the time of our fieldwork.

We conducted this review under the authority of the *Inspector General Act of 1978*, as amended, and according to the *Quality Standards for Inspections* issued by the Council of the Inspectors General on Integrity and Efficiency.

Appendix B
Management Comments to the Draft Report

Office of the Assistant Secretary


U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20024



**U.S. Immigration
and Customs
Enforcement**

December 9, 2009

MEMORANDUM FOR: Carlton I. Mann
Assistant Inspector General
Office of Inspector General

FROM: Robert F. De Antonio 
Director
Audit Liaison Office

SUBJECT: ICE Input to DHS Response to Office of Inspector General Draft
Report titled, "The Performance of 287(g) Agreements"

Thank you for providing U.S. Immigration and Customs Enforcement (ICE) with the opportunity to review and comment on the subject Office of Inspector General (OIG) Draft Report.

In the past year, ICE has improved the 287(g) program. Many of the improvements made were related directly to program controls and objectives and ensuring the effective and efficient operation of the 287(g) program.

In April 2009, OIG auditors attended the ICE 287(g) conference. Many of the on-going improvements to the 287(g) program identified at the conference have been included in this report. ICE appreciates their inclusion. ICE also provided a technical response with the statistical break out of the number of aliens identified, processed, and removed by the 287(g) program. ICE also provided some pertinent examples demonstrating the value of the 287(g) program for inclusion in the final report. ICE believes an evaluation of the program must consider the number of criminal aliens identified, processed and removed from our communities and the cost savings to the federal government from the program and using 287(g) officers as a force multiplier.

In our response, ICE identified many changes already underway to improve the program. ICE requests that 16 of the 33 OIG recommendations be considered resolved and closed based on the action ICE already has taken. ICE requests that 16 others be considered resolved and open pending receipt of additional documentation to be provided within 90 days from the release date of the final report. Finally, ICE does not concur with recommendation #18, but is carefully assessing the goal of this recommendation to ensure that ICE's 287(g) partners protect the civil liberties of every individual encountered.

The Performance of 287(g) Agreements

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OIG Recommendation 1: "Establish a process to collect and maintain arrest, detention, and removal data for aliens in each priority level for use in determining the success of ICE's focus on aliens who pose the greatest risk to public safety and the community."

ICE Response to OIG Recommendation 1: ICE concurs. In June 2009, ICE's Office of State and Local Coordination (OSLC) created a data quality review section to analyze data that 287(g) officers put into ICE systems. The data quality review section ensures consistency in reporting requirements and analyzes arrest and removal data of aliens identified as part of the 287(g) program. ICE will review the results to evaluate each jurisdiction and determine if it operates consistent with the priorities set forth in the Memorandum of Agreement (MOA). Particular attention will be paid to the numbers of criminal aliens identified and the nature of their offenses.

Further, in August 2009 the ICE OSLC mandated that 287(g) officers populate the Criminal Sensitivity Level fields in the Enforcement Case Tracking System (ENFORCE). OSLC is currently working with ICE's Secure Communities (SC) and ICE's Detention and Removal Operations (DRO) to refine the Criminal Sensitivity Levels to comply with ICE priorities. A copy of the memorandum requiring population of the Criminal Sensitivity Level fields in ENFORCE is included for your information.

It is requested Recommendation 1 be considered resolved and closed.

OIG Recommendation 2: "Develop procedures to ensure that 287(g) resources are allocated according to ICE's priority framework."

ICE Response to OIG Recommendation 2: ICE concurs. OSLC is developing a strategic plan that directly aligns its goals and objectives, and those of the 287(g) program, with ICE and DHS priorities. Before ICE enters into a new 287(g) MOA, the justification is reviewed by the 287(g) Advisory Committee and ICE's Office of the Assistant Secretary (OAS) to ensure the expansion of the 287(g) program aligns with the priorities and objectives of ICE and DHS.

OSLC's capturing of statistical information assists ICE in measuring adherence to ICE priorities and also advances the mission priority of apprehending criminal aliens. Finally, ICE measures a program's effectiveness largely based upon the number and nature of aliens identified for removal by 287(g) officers. OSLC has drafted a revised performance measure that will consider the nature of the criminal offense based on the severity of crime (Levels 1, 2, and 3). OSLC will establish a baseline and communicate targets for each severity level. The targets will reflect both prioritizations based on crime level as well as average volume of encounters within each crime level.

It is requested Recommendation 2 be considered resolved and open pending OIG receipt of documentation.

OIG Recommendation 3: "Establish and implement TECS data entry requirements that reflect investigative efforts and related prosecutions associated with the 287(g) program."

ICE Response to OIG Recommendation 3: ICE concurs. The recommendation was completed on May 9, 2009, when the ICE Office of Investigations (OI) and DRO Directors signed a memorandum requiring OI and DRO offices to use the Treasury Enforcement Communication

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System (TECS) program codes specific to the 287(g) program. Program code YTO will be used to capture administrative arrests and program code 6IL to capture investigations and prosecutions. A copy of the memorandum requiring use of the TECS program codes is included for your information.

It is requested Recommendation 3 be considered resolved and closed.

OIG Recommendation 4: "Establish a process to ensure effective supervision of 287(g) officers and immigration enforcement operations."

ICE Response to OIG Recommendation 4: ICE concurs. The OSLC and the ICE Office of Training and Development (OTD) are developing a Supervisory/Manager training curriculum for ICE personnel who oversee 287(g) officers in the field. ICE anticipates a three-day course that addresses all aspects and responsibilities of ICE and our partners under the MOA. The training will be operational in 2010. Further, OSLC FY10 performance measures include headquarters oversight of the supervisory functions for 287(g). OSLC program managers will be in continuous contact with the field personnel to ensure adequate and effective supervision of law enforcement agencies (LEA). Additionally, OSLC is developing a comprehensive communications plan to facilitate widespread understanding of ICE supervisory roles. This communications plan will be ready for implementation by February 2010. The plan will incorporate a standard processes for creating, reviewing and delivering clear, consistent messages about the 287(g) program, including the goals and mission of the program, the benefits of the program, and recent success stories. The communications plan will also include a stakeholder assessment to identify and assess its needs and concerns. This assessment will help OSLC appropriately tailor communications to address these needs and concerns. Additionally, the communications plan will identify and assess the appropriate channels (e.g., websites, conferences, newsletters, etc.) for informing stakeholders about 287(g) and expanding access to and availability of critical facts about the program and associated operations. OSLC will coordinate with OTD to ensure the plan is included in future supervisory training modules.

It is requested Recommendation 4 be considered resolved and open pending OIG receipt of additional documentation.

OIG Recommendation 5: "Develop controls to ensure that supervisory responsibilities for 287(g) supervisors are considered when determining staffing ratios in ICE field offices."

ICE Response to OIG Recommendation 5: ICE concurs. ICE strives to effectively balance the number of supervisors and employees. The addition of 287(g) officers in the field creates workforce challenges. ICE has received funding that will allow additional supervisory positions within the 287(g) program. ICE has distributed a total of 23 program manager positions to field offices to support existing 287(g) programs. These supervisors will provide daily oversight of 287(g) MOA within their area of responsibility, review administrative charging documents, respond to 287(g)-related taskings, meet with LEA partners and community stakeholders about 287(g) issues, serve as the primary point of contact between the field and HQ OSLC on 287(g) related issues, train LEAs about ICE's mission and priorities, and conduct ICE ACCESS outreach. ICE will deploy the additional supervisory positions (11 for OI and 12 for DRO) to field offices with multiple 287(g) agreements or the potential for multiple agreements. Using TECS and manual reporting mechanisms, OSLC will closely monitor the hours devoted to

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287(g) activities by ICE supervisory personnel. These additional positions will help balance the ratio of supervisors. ICE will strive to continue expanding the number of supervisors as the 287(g) program matures.

It is requested Recommendation 5 be considered resolved and closed.

OIG Recommendation 6: "Ensure that 287(g) supervision is provided by authorized staff with the appropriate knowledge, skills, and abilities."

ICE Response to OIG Recommendation 6: ICE concurs. The OSLC and OTD are developing a Supervisory/Manager training curriculum for ICE personnel who oversee 287(g) officers in the field. The training is anticipated to be approximately three days. The training will cover all aspects and responsibilities of the MOA for ICE and our partners. All 287(g) ICE managers and supervisors will be required to complete the training, which will be operational in 2010.

It is requested Recommendation 6 be considered resolved and open pending OIG receipt of additional documentation.

OIG Recommendation 7: "Develop and implement 287(g) field supervision guidance that includes, at a minimum (1) the frequency and type of contact required between 287(g) officers and ICE supervisors; (2) the preparation, review, and approval of operational plans for community-based immigration enforcement activities; and (3) performance feedback requirements for 287(g) officers."

ICE Response to OIG Recommendation 7: ICE concurs. OSLC is creating a communications plan to improve our interactions with community groups and all of our stakeholders. The plan will help ICE determine how to communicate, when to communicate, and about what issues to communicate. The plan will outline best communication practices and benefits. The goal is to ensure stakeholders understand the 287(g) program's policies and initiatives. The communications plan is scheduled to be completed by February 2010 and will address the issues raised in the draft report. The communications strategy will incorporate a standard process for creating, reviewing, and delivering clear, consistent messages about the 287(g) program, including the goals and mission of the program, the benefits of the program, and recent success stories. The communications strategy will also include a stakeholder assessment to identify and assess stakeholders' needs and concerns.

It is requested Recommendation 7 be considered resolved and open pending OIG receipt of additional documentation.

OIG Recommendation 8: "Establish and implement a comprehensive process for conducting periodic reviews, as well as reviews on an as-needed basis, to determine whether to modify, extend, or terminate 287(g) agreements. At a minimum, this process should include an assessment of (1) current or previous concerns expressed by field office staff; (2) media attention or community concerns that contribute to negative or inappropriate conclusions about the 287(g) program; (3) lawsuits or complaints; (4) potential civil rights and civil liberties violations; and (5) ICE's ability to provide effective supervision and oversight."

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ICE Response to OIG Recommendation 8: ICE concurs. In FY 2008, the ICE Office of Professional Responsibility (OPR) established a 287(g) Review Program to review the terms of the MOAs. OSLC relies on OPR inspections reports to support decisions to modify, extend, or terminate 287(g) agreements. Further, OSLC communicates regularly with LEA counterparts, non-government organizations (NGOs), and the DHS Office for Civil Rights and Civil Liberties (CRCL) to collect feedback about the 287(g) program. The formalization of communications to LEAs is included in the OSLC communications plan that will be completed in February 2010.

It is requested Recommendation 8 be considered resolved and open pending OIG receipt of additional documentation.

OIG Recommendation 9: "Require 287(g) program sites to maintain steering committees with external stakeholders, with a focus on ensuring compliance with the MOA."

ICE Response to OIG Recommendation 9: ICE concurs. As previously noted, OSLC is developing a communications plan which will incorporate all channels for delivering and receiving key communications, including steering committees. The communications strategy will be implemented in 2010, and will include a communications planning matrix to identify critical communications activities, when they need to be executed, and the point-of-contact responsible for executing the activities.

It is requested Recommendation 9 be considered resolved and open pending OIG receipt of additional documentation.

OIG Recommendation 10: "Establish a process to periodically cross-check OPR, OSLC, and OCIO records to confirm 287(g) officers' eligibility and suitability to exercise authorities granted under 287(g) MOAs."

ICE Response to OIG Recommendation 10: ICE concurs, with one minor clarification. Presently, 287(g) officers are vetted only for suitability purposes, not for issuing federal security clearances as stated in this finding. ICE has established a system to ensure that suitability reviews are conducted for all 287(g) officers. This process is addressed in the ICE policy established in October 2007 titled "ICE Screening Criteria for Federal, State, or Local Law Enforcement, Correctional, and Mission Support Personnel Supporting ICE Programs." ICE acknowledges that, prior to the establishment of this policy, while attempting to meet the challenges associated with the exponential growth of the program, Office of Chief Information Officer, OPR, and OSLC rosters of 287(g) nominees and officers were not reconciled. This lack of reconciliation, which is described quantitatively in the second and third paragraphs of page 18, involves less than one percent of the 287(g) population vetted to date. Additionally, in May 2007, when OPR assumed the responsibility for vetting 287(g) candidates, inactive 287(g) officers were not vetted. This accounts for 48 inactive officers, or 84 percent, of the 57 noted on page 18 of the report. The remaining nine officers in OSLC records have been identified; three have been vetted for suitability, and a vetting request was forwarded to OPR for the remaining six. To further ensure proper access is granted only to qualified participants, OSLC is creating a policy titled "Suspension and Revocation of a Designated Immigration Officer's 287(g) Authority." This policy will formalize the current cross checks performed by the OSLC training manager on active/inactive 287(g) officers listed with OPR.

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It is requested Recommendation 10 be considered resolved and open pending OIG receipt of additional documentation.

OIG Recommendation 11: "Establish a process to ensure that LEAs report to OPR any allegations or complaints against 287(g) officers and other LEA personnel alleged to have improperly performed immigration enforcement activities, as well as the results of any subsequent investigations."

ICE Response to OIG Recommendation 11: ICE concurs. The recommendation was completed in July 2009 when the new MOA template was published. The MOA requires participating agencies to inform ICE of all complaints regarding their 287(g) officers as well as the outcome of those complaints. A copy of the new MOA template is included for your ready reference.

It is requested Recommendation 11 be considered resolved and closed.

OIG Recommendation 12: "Establish and implement procedures on how the results of complaints, allegations, and subsequent investigations against LEA personnel conducting immigration enforcement activities should be maintained and used as part of the suitability and recertification processes."

ICE Response to OIG Recommendation 12: ICE concurs. OSLC has developed a comprehensive procedure through which it delivers the results of all OPR inspections and the respective areas for improvement to ICE field components for action. All inspection and administrative investigative findings from OPR, CRCL, and the OIG will be evaluated thoroughly by OSLC management to best determine the feasibility of all ICE 287(g) partnerships, whether potential or current in status. The same process is used to document individual LEA officer derogatory findings. A copy of the procedure for addressing OPR 287(g) reports is included for your information.

It is requested Recommendation 12 be considered resolved and closed.

OIG Recommendation 13: "Establish specific operating protocols and requirements for operational variances identified in task force and jail enforcement program models."

ICE Response to OIG Recommendation 13: ICE concurs. The recommendation was completed in July 2009 with issuance of the new MOA template. Appendix D of the revised MOA was drafted to provide flexibility to address issues of local concern, including the variances cited in the OIG report. ICE can negotiate with jurisdictions before entering into 287(g) partnerships to address supervisory arrangements, state and local laws, and other specific needs of a particular agency.

It is requested Recommendation 13 be considered resolved and closed.

OIG Recommendation 14: "Study the feasibility and appropriateness of increasing the frequency of OPR 287(g) inspections, and report findings to the OIG."

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ICE Response to OIG Recommendation 14: ICE concurs. In 2009, ICE decided to increase the frequency of OPR 287(g) inspections. In FY10 OPR will ensure that 48 of 64 of the 287(g) programs, or 75 percent, will have been reviewed.

It is requested Recommendation 14 be considered resolved and open pending OIG receipt of additional documentation.

OIG Recommendation 15: "Require 287(g) applicants to provide information about past and pending civil rights allegations, and incorporate a civil rights and civil liberties review as part of the documented 287(g) site selection and MOA review process."

ICE Response to OIG Recommendation 15: ICE concurs. The recommendation was completed in August 2009 when OSLC created a "candidate questionnaire" for all LEA officers attending 287(g) training. Additionally, DHS CRCL is now an active participant in the OSLC Internal Advisory Committee. A copy of the questionnaire is included for your information.

It is requested Recommendation 15 be considered resolved and closed.

OIG Recommendation 16: "Include a representative on the advisory committee to provide insights into civil rights and civil liberties issues as part of the approval process."

ICE Response to OIG Recommendation 16: ICE concurs. The recommendation was completed in October 2009 when DHS CRCL began participating in the OSLC Internal Advisory Committee.

It is requested Recommendation 16 be considered resolved and closed.

OIG Recommendation 17: "Develop a process to ensure that information submitted from ICE field offices as part of the application review process is fully taken into consideration before a final decision is made. This recommendation should include provisional approvals that require resource considerations to ensure proper supervision and oversight."

ICE Response to OIG Recommendation 17: ICE concurs. The recommendation was completed when OSLC instituted an Internal Advisory Committee. The first meeting of the group occurred in May 2009. The OSLC Advisory Committee assesses and reviews field office recommendations about pending 287(g) MOA applications. The Advisory Committee is comprised of stakeholder representatives from ICE OI, DRO, OTD, SC, Office of Principle Legal Advisor (OPLA) Office of Chief Information Officer, Office of Congressional Relations, Office of Public Affairs, and DHS CRCL.

It is requested Recommendation 17 be considered resolved and closed.

OIG Recommendation 18: "Establish collection and reporting standards that provide objective data to increase monitoring of methods participating jurisdictions use in carrying out 287(g) functions, and their effect on civil liberties. Collection and reporting requirements should include, at a minimum (1) the circumstances and basis for TFO contacts with the public, (2) the race and ethnicity of those contacted, and (3) the prosecutorial and judicial disposition of 287(g) arrests."

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ICE Response to OIG Recommendation 18: ICE does not concur but is carefully assessing the goal of this recommendation to ensure that ICE's 287(g) partners protect the civil liberties of every individual they encounter. OIG recommends the collection of data that mirrors that of a consent decree applicable to agencies that are found to have engaged in racial profiling. This would require the collection of data beyond that which DHS and DOJ require of their own law enforcement officers and agencies. Although ICE strongly opposes racial profiling and adheres fully to all data collection requirements of federal law, the collection of this data raises logistical issues including whether a TFO would report all interactions, just interactions predicated solely on 287(g) authority, and how the TFO would distinguish in a meaningful way while performing his or her daily duties.

OIG Recommendation 19: "Determine whether the current timeframe for civil rights law training is adequate to achieve appropriate coverage, and modify timeframes and coverage as needed to ensure that sufficient training is provided."

ICE Response to OIG Recommendation 19: ICE concurs. The 287(g) basic training currently has five blocks of instruction related to civil rights and civil liberties. Starting in FY2010, OSLC requires that 287(g) officers complete a "Use of Race" Virtual University course on an annual basis to retain their certification. The civil rights training in 287(g) addresses those provisions in the 4th, 5th, 6th, and 14th Amendments. The training covers criminal and administrative matters, including an alien's right to counsel and the distinctions in that right. The training details the Federal statutes that address the deprivation of civil rights and the consequences for depriving people of their rights. This training supplements all of the law enforcement training that 287(g) officers already have to perform their daily jobs. The 287(g) training program supplements that training with information unique to immigration enforcement and applicable federal laws. The training was tailored to the target audience of already experienced law enforcement officers.

It is requested Recommendation 19 be considered resolved and closed.

OIG Recommendation 20: "Ensure that 287(g) basic training includes coverage of MOAs and public outreach and complaint procedures."

ICE Response to OIG Recommendation 20: ICE concurs. On the first day of training, OPLA instructors train participating officers about the terms of the MOA. Although ICE provides this training, ICE also expects that our 287(g) partners also ensure that their participating officers understand the responsibilities specified in the MOA. Public outreach principles are covered extensively in the "Cross Cultural Communication" block of instruction in the 287(g) training program. This information was provided to the OIG during the field work phase. Instruction in "Complaint Procedures" was included in the training program with additional instruction in complaint procedures and officer integrity. A copy of the complaint procedures module outlining the OIG's role in investigating allegations of misconduct by state and local 287(g) officers is included for your information.

It is requested Recommendation 20 be considered resolved and closed.

OIG Recommendation 21: "Enhance the current 287(g) training program to provide comprehensive coverage of immigration systems and processing. At a minimum, this should

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include hands-on experience during the 287(g) basic training course, on-the-job training, and periodic refresher training."

ICE Response to OIG Recommendation 21: ICE concurs. In February 2009, OSLC and OTD created a one week refresher training for active 287(g) officers who wanted additional immigration law and ICE systems training. In November 2009, the 287(g) basic training academy began using a state-of-the-art simulated detainee processing and holding center. This allows 287(g) officers to experience various scenarios that occur when processing aliens. Currently, 287(g) students receive extensive training in immigration systems and alien processing. 287(g) students depart the ICE Academy with at least three practice folders to use as reference materials for future processing. Students work with these folders in class during the "A-File Review" block of instruction. Students are also provided a number of job aids offering step-by-step guides to processing aliens in the field. At any time 287(g) officers can access the online distance learning refresher courses on the ICE Virtual University. Additionally, OSLC is creating an on the job training program manual for graduated officers with an expected delivery date of March 2010.

It is requested Recommendation 21 be considered resolved and open pending OIG receipt of additional documentation.

OIG Recommendation 22: "Ensure that an appropriate level of coverage on immigration benefits, asylum, and victim and witness protections is included as part of the 287(g) basic training agenda."

ICE Response to OIG Recommendation 22: ICE concurs. The "Special Status Aliens" and the "Victim Assistance" elements of the 287(g) basic training program include an overview of asylum and victim and witness protections. Students are instructed in the proper methods for assisting victims of human trafficking or abuse or other vulnerable aliens. The court's holding in *American Baptist Churches v. Thornburg* is specifically explained and discussed in the "Alternate Orders of Removal" block of instruction. The assessment of a student's ability to meet the training objectives throughout the entire course is measured in multiple-choice exams and a series of 16 hours of hands-on, realistic, scenario-based practical exercises conducted in the final week of training. This information was provided to the OIG during the field work phase.

It is requested Recommendation 22 be considered resolved and closed.

OIG Recommendation 23: "Establish and issue guidance to field office staff for 287(g) officer annual recertification training that emphasizes completion of online refresher training courses."

ICE Response to OIG Recommendation 23: ICE concurs. OSLC is in the process of drafting and disseminating a policy titled "Annual Recertification of Designated Immigration Officers' Delegated Authority." This policy is currently pending final approval.

It is requested Recommendation 23 be considered resolved and open pending OIG receipt of additional documentation.

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OIG Recommendation 24: "Designate field office responsibilities for monitoring and enforcing compliance with training guidance to include, at a minimum, issuing and enforcing revocation notices for 287(g) officers who do not complete required training."

ICE Response to OIG Recommendation 24: ICE concurs. OSLC is in the process of drafting and disseminating a policy titled "Suspension and Revocation of a Designated Immigration Officer's 287(g) Authority." This policy is currently pending final approval.

It is requested Recommendation 24 be considered resolved and open pending OIG receipt of additional documentation.

OIG Recommendation 25: "Develop and implement clear guidelines for using interpreter support to assist with immigration duties and responsibilities."

ICE Response to OIG Recommendation 25: ICE concurs. ICE trains 287(g) students about the importance of interpreters in immigration enforcement. The training addresses the use of interpreters during the "Sworn Statements" block of instruction. The 287(g) graduates are granted access to online independent study foreign language tutorials. This information was provided to the OIG during the field work phase. Further, in July 2009 OSLC provided LEAs upon request, access to the "DHS Interpreters Service." On October 29, 2009, in an email communication, ICE offered 287(g) state and local partner's interpretation resources in conjunction with the Department of Justice's (DOJ) Civil Rights Division. DOJ also provided additional materials to include a 'flip card' with words in multiple languages to help identify what language a person speaks. A hard copy of the communication and additional materials were mailed out separately in November 2009. All 287(g) partners were reminded of the legal obligations associated with accepting federal funds and the provision of language assistance.

It is requested Recommendation 25 be considered resolved and closed.

OIG Recommendation 26: "Establish a process to provide the public and other stakeholders with comprehensive information about the 287(g) program and associated operations."

ICE Response to OIG Recommendation 26: ICE concurs. OSLC is developing a communications plan to be implemented in February 2010. The communications plan will incorporate standard processes for creating, reviewing and delivering clear, consistent messages about the 287(g) program, including the goals and mission of the program, the benefits of the program, and recent success stories. The communications plan will also include a stakeholder assessment to identify and assess its needs and concerns. OSLC has also made modification to its internet site. Documentation is readily available to the public, which includes redacted copies of all existing MOAs.

It is requested Recommendation 26 be considered resolved and open pending OIG receipt of additional documentation.

OIG Recommendation 27: "Ensure the accuracy of information disseminated to the public about the goals of the 287(g) program, its various operations, and how immigration enforcement activities are carried out in the actual working environment."

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ICE Response to OIG Recommendation 27: ICE concurs. As previously noted, OSLC is developing a communications plan for implementation by February 2010. This will outline roles and responsibilities and incorporate standard processes for creating and delivering clear, consistent messages about the 287(g) program, such as newsletters with success stories or important statistics highlighting the benefits of the program. The processes will include appropriate steps for reviewing communications for accuracy to establish a layer of accountability. Additionally, the strategy will identify opportunities to strengthen internal communications to help ensure that internal stakeholders are receiving and disseminating accurate information about 287(g). The strategy will also expand outreach and interaction with key stakeholders, such as conferences, and conference calls, to strengthen feedback and enable OSLC to identify and address misinformation about the program in a timely manner.

It is requested Recommendation 27 be considered resolved and open pending OIG receipt of additional documentation.

OIG Recommendation 28: "Publish 287(g)-compliant reporting procedures on ICE's public website, and ensure that these procedures are posted in participating LEA buildings, and shared at community meetings."

ICE Response to OIG Recommendation 28: ICE concurs. The recommendation was completed on October 2009, when ICE posted, on the ICE.gov/OSLC website, information about how to file a 287(g) complaint. The process is the same found in Appendix B of the MOA.

It is requested Recommendation 28 be considered resolved and closed.

OIG Recommendation 29: "Require 287(g) officers to identify themselves and display their credentials during federal immigration arrests, before initiating interviews regarding alien status and removability, and as part of other immigration processing activities."

ICE Response to OIG Recommendation 29: ICE concurs. At graduation, all candidates are awarded ICE 287(g) credentials. During the training program, all 287(g) students are advised that, as the first mandatory step in any official encounter, they must identify themselves by name, agency, and title.

It is requested Recommendation 29 be considered resolved and closed.

OIG Recommendation 30: "Develop training and provide basic program information for LEA managers who maintain an oversight role for 287(g) officers in order to increase their understanding of the program and encourage their support of 287(g) activities."

ICE Response to OIG Recommendation 30: ICE concurs. As previously noted, the OSLC and OTD are creating two new 287(g) training curriculums. The first training is for ICE supervisors, the second training is for LEA supervisors who have not attended the 287(g) basic training. These two curriculums are still in development.

It is requested Recommendation 30 be considered resolved and open pending OIG receipt of additional documentation.

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OIG Recommendation 31: "Establish and implement standard immigration system access profiles for 287(g) officers to ensure that officers have the access needed to perform immigration functions. These access profiles should be customized by program model to address the different functions that task force officers and jail enforcement officers perform."

ICE Response to OIG Recommendation 31: ICE concurs. In July 2009 OSLC assumed the responsibility of creating PICS accounts and ENFORCE profiles for all 287(g) students. This was in response to complaints from field supervisors that 287(g) officers were not given all of the accesses they needed to perform their mission.

It is requested Recommendation 31 be considered resolved and closed.

OIG Recommendation 32: "Develop a process for performing regular checks to ensure that aliens identified through the 287(g) program are not held in unauthorized facilities while in ICE custody."

ICE Response to OIG Recommendation 32: ICE concurs. OSLC will work with DRO to ensure that after persons identified through the 287(g) program are taken into ICE custody, only authorized and inspected facilities are used to detain individuals. This process will be completed within 120 days.

It is requested Recommendation 32 be considered resolved and open pending OIG receipt of additional documentation.

OIG Recommendation 33: "Evaluate ICE's position on the use of 287(g) vehicles by participating LEA officers to determine whether the vehicles can be used for the purpose for which they were purchased. If not, identify underutilized 287(g) vehicles, and take appropriate steps to use or dispose of those assets in accordance with applicable law."

ICE Response to OIG Recommendation 33: ICE concurs.

In FY2006 – FY2008, the 287(g) delegation of authority program purchased 14 sedans and 75 transport vans for OI and DRO. OI and DRO then placed these vehicles in Special Agent in Charge (SAC) and Field Office Director (FOD) offices that support the 287(g) program. In 2008, ICE field offices requested permission to transfer the vehicles to law enforcement agencies participating in the 287(g) program utilizing "hold harmless" agreements. The Office of State and Local Coordination conferred with the Office of the Principal Legal Advisor (OPLA) who affirmed that "hold harmless" agreements are insufficient to permit 287(g) participants to use government property or assets except as specified in the MOA. OSLC informed the SAC and FOD offices that the vehicles could not be transferred to participating law enforcement agencies and that the SAC and FOD offices should continue to use the vehicles internally to support the 287(g) program. These vehicles are still being utilized by ICE field offices to support the delegation of authority mission.

OSLC will re-evaluate its options on this topic and ascertain how these vehicles are specifically being utilized. OSLC notes that the MOAs specify the property and assets the government will procure and provide to 287(g) participants. As stated above, initial counsel opinion has affirmed that "hold harmless" agreements are insufficient to permit 287(g) participants to use government

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property or assets except as specified in the MOA. If, following our re-evaluation, we determine that we are unable to legally permit the use; any government property or assets reserved for use by 287(g) participants and not specified by the MOAs will be returned to inventory and applied to other ICE mission areas.

It is requested that Recommendation 33 be considered resolved and open pending OIG receipt of additional documentation.

Should you have questions or concerns, please contact Megan Reedy, OIG portfolio manager at (202)732-4185 or by e-mail at Megan.Reedy@dhs.gov.

Appendix C
287(g) Application and Approval Process

ICE's 287(g) Application and Approval Process

State and local law enforcement agencies interested in launching a 287(g) program are required to submit a request to ICE. ICE field offices conducted field surveys to ensure that 287(g) applicants were knowledgeable of the program requirements, and that requests for participation had been vetted by appropriate state and local government officials. These surveys also provided information on the potential number of illegal aliens who could be removed from the country through the program, and the level of program support needed from ICE field offices operating in the area. ICE headquarters officials considered ICE field office recommendations, along with survey results, in determining whether to pursue a 287(g) agreement with the requesting law enforcement agency.

ICE received five applications for participation in the 287(g) program from its establishment in 2003 until FY 2005.²⁰ During FYs 2006 and 2007, state and local interest in the 287(g) program increased, triggering a significant rise in applications. In FYs 2006 and 2007, ICE received 18 and 71 applications, respectively.

In response to expanding interest in the 287(g) program, ICE modified the application and selection process to incorporate other ICE program initiatives that might better address community needs. Under the ICE ACCESS program, state and local law enforcement agencies that apply for the 287(g) program can select from among 13 other ICE services and programs.²¹

State and local law enforcement agencies apply for participation in the 287(g) program via a formal request letter to ICE. Applicants are required to complete an ICE ACCESS needs assessment to provide specific information about the jurisdiction, including its detention facilities; involvement in ICE task forces; and frequency of encounters with fraudulent immigration documents, counterfeit goods, and foreign-born gang members operating in the area. ICE factors in this information to assess the jurisdiction's immigration enforcement challenges, and whether any other ICE ACCESS programs and services would be more appropriate in addressing its needs.

²⁰ Prior to ICE's establishment, the former Immigration and Naturalization Service received and considered 287(g) applications.

²¹ Refer to appendix D for a complete list of ICE ACCESS programs and services.

Appendix C
287(g) Application and Approval Process

ICE field offices provide recommendations on whether ICE should pursue a 287(g) agreement with a requesting jurisdiction. Field recommendations are evaluated by an advisory committee established in early 2009. This advisory committee consists of representatives from 15 units within ICE, including DRO, OI, OCIO, OPR, and the Office of Training and Development. The committee develops and forwards consensus recommendations to the ICE Assistant Secretary on whether 287(g) collaborations with applicant LEAs would benefit ICE and the local community. The ICE Assistant Secretary reviews advisory committee recommendations before making a final determination.

Appendix D
ICE ACCESS Programs

ICE ACCESS Programs

In addition to the 287(g) program, ICE operates the following programs under the ICE ACCESS umbrella:²²

Asset Forfeiture/Equitable Sharing

The ICE Asset Forfeiture Program provides funding to state, local, and foreign law enforcement agencies that participate jointly in ICE investigations leading to seizures and forfeitures. ICE uses asset forfeiture to disrupt criminal enterprises in areas such as money laundering, bulk cash smuggling, worksite enforcement, and alien- and drug-smuggling investigations. ICE provides seized and forfeited funds and equipment to state, local, and foreign law enforcement counterparts through the Department of Treasury's Equitable Sharing Program. In addition to equitably sharing assets, some state and local law enforcement agencies are eligible to receive reimbursement for overtime and other limited investigative expenses associated with joint investigations.

Border Enforcement Security Task Forces

Border Enforcement Security Task Forces consist of DHS law enforcement agencies working cooperatively with other law enforcement entities to develop comprehensive approaches to identifying, disrupting, and dismantling criminal organizations posing significant threats to border security. These task forces are designed to increase information sharing and collaboration among participating agencies, and currently operate in Arizona, California, Florida, Michigan, New Mexico, New York, Texas, and Washington, as well as in Mexico City, Mexico.

Criminal Alien Program

The Criminal Alien Program focuses on identifying criminal aliens who are incarcerated within federal, state, and local facilities, ensuring that they are not released into the community by securing a final order of removal prior to the termination of their sentence.

Customs Cross-Designation (Title 19)

Title 19 U.S.C. 1401(i) allows ICE to cross-designate federal, state, local, and foreign law enforcement officers as "customs officers"

²² The following program descriptions are derived from information on ICE websites: <http://www.ice.gov/partners/dro/iceaccess.htm>, and <http://www.ice.gov/oslc/iceaccess.htm>.

Appendix D

ICE ACCESS Programs

and grant them the authority to enforce U.S. customs law. Cross-designated task force officers support ICE investigative missions to combat narcotics smuggling, money laundering, human smuggling and trafficking, and fraud-related activities and disrupt and dismantle criminal organizations threatening U.S. borders. In October 2009, ICE reported that it had cross-designated approximately 300 law enforcement officers with Title 19 authority.

Document and Benefit Fraud Task Forces

ICE Document and Benefit Fraud Task Forces target, dismantle, and seize illicit proceeds of criminal organizations that threaten national security and public safety through immigration fraud. These task forces provide platforms to launch anti-fraud initiatives using existing manpower and authorities. Through the task forces, ICE partners with other federal, state, and local law enforcement agencies. These task forces focus on detecting, deterring, and disrupting both benefit fraud and document fraud. As of August 2009, these task forces operated in 17 locations around the Nation.

Fugitive Operation Teams

The primary mission of fugitive operation teams is to identify, locate, apprehend, process, and remove fugitive aliens from the United States, with the highest priority placed on those who have been convicted of crimes. Fugitive aliens are those who have failed to leave the United States based upon a final order of removal, deportation, or exclusion; or who have failed to report to ICE after receiving notice to do so. Fugitive operation teams' goal is to eliminate the backlog of fugitive aliens and ensure that the number of aliens deported equals the number of final orders of removal issued by the immigration courts in any given year. Outside law enforcement agencies assist fugitive operation teams by participating in local Joint Fugitive Task Forces.

Intellectual Property Rights Coordination Center

The Intellectual Property Rights Coordination Center is the U.S. government's central point of contact in the fight against violations of intellectual property rights and the flow of counterfeit goods into the U.S. The multiagency center is responsible for coordinating a unified U.S. government response regarding intellectual property rights enforcement issues, with an emphasis on protecting the public health and safety of U.S. consumers, investigating major criminal organizations engaged in transnational intellectual property crimes, and pursuing the illegal proceeds

Appendix D
ICE ACCESS Programs

derived from the manufacture and sale of counterfeit merchandise. ICE provides investigative and intelligence personnel for the center.

Law Enforcement Support Center (LESC)

The mission of the LESC is to protect the United States and its people by providing timely, accurate information and assistance to the federal, state, and local law enforcement community. The LESC serves as a national enforcement operations center by providing customs information and immigration status and identity information to local, state, and federal law enforcement agencies on aliens suspected of, arrested for, or convicted of criminal activity. The LESC operates 24 hours a day, 7 days a week assisting law enforcement agencies with information gathered from eight DHS databases, the National Crime Information Center, Interstate Identification Index, and other state criminal history indexes.

Operation Community Shield

Operation Community Shield is a national law enforcement initiative to fight violent transnational gangs threatening public safety. Under this initiative, ICE uses its criminal and administrative authorities against gangs and gang members in collaboration with federal, state, and local law enforcement partners. The goal of Operation Community Shield is to identify, locate, arrest, and prosecute gang members and associates and ultimately disrupt and dismantle gang organizations.

Operation Firewall

Smuggling bulk currency out of the United States is a method for moving illicit proceeds across our borders. To combat the use of bulk cash smuggling by criminal organizations, the ICE and DHS' Customs and Border Protection developed a joint strategic bulk cash smuggling initiative called Operation Firewall. Operation Firewall has resulted in the seizure of more than \$80 million in U.S. currency and negotiable instruments of suspected narcotics and other criminal proceeds.

Operation Predator

Operation Predator is a program designed to identify, investigate, and, as appropriate, administratively deport child predators. ICE coordinates and integrates investigative efforts with state, local,

Appendix D
ICE ACCESS Programs

and foreign law enforcement to identify, arrest, and prosecute the principals who are involved in international pedophilic groups or who derive proceeds from commercial child exploitation ventures.

Rapid Removal of Eligible Parolees Accepted for Transfer (REPAT)

The ICE Rapid REPAT program is designed to expedite the process removing criminal aliens from the United States by allowing selected criminal aliens incarcerated in U.S. prisons and jails to accept early release in exchange for voluntarily returning to their country of origin. Eligible aliens agree to waive appeal rights associated with their state conviction(s) and must have final removal orders. In states where Rapid REPAT is implemented, certain aliens who are incarcerated in state prison and who have been convicted of non-violent offenses may receive early conditional release if they have a final order of removal and agree not to return to the United States. ICE has such arrangements with four states and Puerto Rico.

Secure Communities

The Secure Communities program aims to improve the identification of criminal aliens and prioritize the removal of dangerous criminal aliens. Under the program, ICE provides state and local LEAs with access to biometric identification systems that permit them to perform integrated record checks on all arrested and incarcerated persons, as well as on those criminals previously released from custody. ICE uses information from these checks to prioritize the immigration processing and removal of aliens based on their threat to public safety.

Appendix E
287(g) Program Jurisdictions

287(g) Jurisdictions

ICE has 287(g) agreements with 67 LEAs. As of October 28, 2009, six of these agreements remained agreements in principle, as they were pending approval by a local governing body. We have listed participating jurisdictions below by state, and included those with which ICE has an agreement in principle but for which the MOA is pending local approval.

Table 3. Jurisdictions Participating in the 287(g) Program

Participating Jurisdictions	Program Model		MOA	
	Jail	Task Force	Originally Signed	Current Status
Alabama				
Alabama Department of Public Safety		✓	9/10/2003	Signed
Etowah County Sheriff's Office	✓		7/8/2008	Signed
Arkansas				
Benton County Sheriff's Office	✓	✓	9/26/2007	Signed
City of Springdale Police Department		✓	9/26/2007	Signed
Rogers Police Department		✓	9/25/2007	Signed
Washington County Sheriff's Office	✓	✓	9/26/2007	Signed
Arizona				
Arizona Department of Corrections	✓		9/16/2005	Signed
Arizona Department of Public Safety		✓	4/15/2007	Signed
City of Mesa Police Department		✓		Pending
City of Phoenix Police Department		✓	3/10/2008	Signed
Florence Police Department		✓	10/21/2009	Signed
Maricopa County Sheriff's Office	✓		2/7/2007	Signed
Pima County Sheriff's Office	✓	✓	3/10/2008	Signed
Pinal County Sheriff's Office	✓	✓	3/10/2008	Signed
Yavapai County Sheriff's Office	✓	✓	3/10/2008	Signed
California				
San Bernardino County Sheriff's Office	✓		10/19/2005	Pending
Colorado				
Colorado Department of Public Safety		✓	3/29/2007	Signed
El Paso County Sheriff's Office	✓		5/17/2007	Signed
Connecticut				
City of Danbury Police Department		✓	10/15/2009	Signed
Delaware				
Delaware Department of Corrections	✓		10/15/2009	Signed

Appendix E
287(g) Program Jurisdictions

Participating Jurisdictions	Program Model		MOA	
	Jail	Task Force	Originally Signed	Current Status
Florida				
Bay County Sheriff's Office		✓	6/15/2008	Signed
Collier County Sheriff's Office	✓	✓	8/6/2007	Signed
Florida Department of Law Enforcement		✓	7/2/2002	Signed
Jacksonville Sheriff's Office	✓		7/8/2008	Pending
Georgia				
Cobb County Sheriff's Office	✓		2/13/2007	Signed
Georgia Department of Public Safety		✓	7/27/2007	Signed
Gwinnett County Sheriff's Office	✓		10/15/2009	Signed
Hall County Sheriff's Office	✓	✓	2/29/2008	Signed
Whitfield County Sheriff's Office	✓		2/4/2008	Signed
Maryland				
Frederick County Sheriff's Office	✓	✓	2/6/2008	Signed
Minnesota				
Minnesota Department of Public Safety		✓	9/22/2008	Signed
Missouri				
Missouri State Highway Patrol		✓	6/25/2008	Signed
Nevada				
Las Vegas Metropolitan Police Department	✓		9/8/2008	Signed
New Hampshire				
Hudson City Police Department		✓	5/5/2007	Signed
New Jersey				
Hudson County Department of Corrections	✓		8/11/2008	Signed
Monmouth County Sheriff's Office	✓		10/15/2009	Signed
North Carolina				
Alamance County Sheriff's Office	✓		1/10/2007	Signed
Cabarrus County Sheriff's Office	✓		8/2/2007	Signed
Durham Police Department		✓	2/1/2008	Signed
Gaston County Sheriff's Office	✓		2/22/2007	Signed
Guilford County Sheriff's Office		✓	10/15/2009	Signed
Henderson County Sheriff's Office	✓		6/25/2008	Signed
Mecklenburg County Sheriff's Office	✓		2/27/2006	Signed
Wake County Sheriff's Office	✓		6/25/2008	Signed
Ohio				
Butler County Sheriff's Office	✓	✓	2/5/2008	Signed

Appendix E
287(g) Program Jurisdictions

Participating Jurisdictions	Program Model		MOA	
	Jail	Task Force	Originally Signed	Current Status
Oklahoma				
Tulsa County Sheriff's Office	✓	✓	8/6/2007	Signed
Rhode Island				
Rhode Island Department of Corrections	✓			Pending
Rhode Island State Police		✓	10/15/2009	Signed
South Carolina				
Beaufort County Sheriff's Office		✓	6/25/2008	Signed
Charleston County Sheriff's Office	✓			Pending
York County Sheriff's Office	✓		10/16/2007	Signed
Tennessee				
Davidson County Sheriff's Office	✓		2/21/2007	Signed
Tennessee Department of Safety		✓	6/25/2008	Signed
Texas				
Carrollton Police Department	✓		8/12/2008	Signed
Farmers Branch Police Department		✓	7/8/2008	Signed
Harris County Sheriff's Office	✓		7/20/2008	Pending
Utah				
Washington County Sheriff Office	✓		9/22/2008	Signed
Weber County Sheriff's Office	✓		9/22/2008	Signed
Virginia				
Herndon Police Department		✓	3/21/2007	Signed
Loudoun County Sheriff's Office		✓	6/25/2008	Signed
Manassas Park Police Department		✓	3/10/2008	Signed
Manassas Police Department		✓	3/5/2008	Signed
Prince William County Police Department		✓	2/26/2008	Signed
Prince William County Sheriff's Office		✓	2/26/2008	Signed
Prince William-Manassas Regional Jail	✓		7/9/2007	Signed
Rockingham County Sheriff's Office	✓	✓	4/25/2007	Signed
Shenandoah County Sheriff's Office	✓	✓	5/10/2007	Signed

Source: ICE OSLC.

Appendix F
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Appendix G
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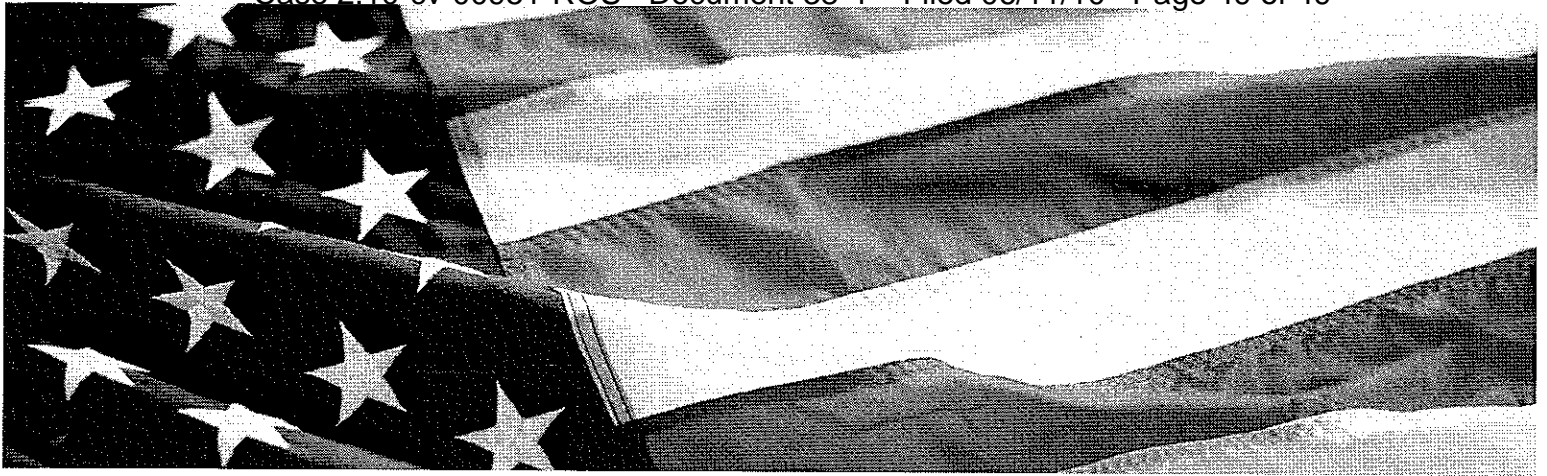
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