



287(g) Steering Committee Guidance

May 18, 2020



1. Objective

This steering committee guidance has been developed to define the mission, vision, authority, membership, roles, and responsibilities for the local 287(g) steering committee. Steering committees help U.S. Immigration and Customs Enforcement (ICE) to expand communication with our partners and their stakeholders so that the 287(g) Program can continue to benefit public safety and strengthen relationships between federal, state, and local law enforcement.

2. Background

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g), to the Immigration and Nationality Act. This section of law authorizes the Director of ICE to enter into agreements with state and local law enforcement agencies that permit designated officers to perform limited immigration law enforcement functions. Agreements under section 287(g) require the local law enforcement officers to receive appropriate training and to function under the supervision of ICE officers.

ICE established the 287(g) Program to manage the delegation of 287(g) authority and to cultivate and sustain relationships with partnering LEAs through memoranda of agreement (MOAs).

The 287(g) Program continues to receive overwhelmingly positive feedback from its partners. The mutually beneficial agreements allow state and local officers to act as a force multiplier in the identification, arrest, and service of warrants and detainers of incarcerated foreign-born individuals with criminal charges or convictions. Those deemed amenable to removal are identified while still secure in state or local custody, potentially reducing the time the alien spends in ICE custody. The state and local partners benefit by reducing the number of criminal offenders that are released back into the community without being screened for immigration violations. Gang members, sex offenders, and murderers are routinely identified and taken into ICE custody after serving their criminal sentences, thus being removed from the community. Federal, state, and local officers working together provide a tremendous benefit to public safety through increased law enforcement communication and overall community policing effectiveness.

A steering committee that provides ICE's partners and their stakeholders an opportunity to provide feedback on the 287(g) agreement in their area can strengthen the program and improve public safety. Therefore, each 287(g) Program partner will be required to develop a steering committee to achieve this goal.



3. Authority

3.1. Scope of Power

While the steering committees will not have any official decision-making authority over the 287(g) Program, information from committee meetings will be considered by ICE leadership when assessing the program. The steering committee will serve as a knowledge-sharing resource that will help to identify specific trends, leading practices, successes, and any challenges in implementing the 287(g) Program.

3.2. Assessing Program Effectiveness

In order to support ICE Headquarters (ICE HQ) in assessing the effectiveness of the 287(g) Program, steering committee members will be supplied with releasable information to facilitate discussions. This information will be supplied by the local ICE office and may include arrest numbers and successful case examples.

If specific complaints arise from the community regarding specific 287(g) officers, the steering committee shall inform complainants of the 287(g) complaint process. All complaints or allegations reported to the LEA or ICE that involve 287(g) trained officers will be reported to the ICE Office of Professional Responsibility pursuant to existing ICE policies and procedures.

4. Structure and Membership

4.1. Structure

The committee meetings will be coordinated and facilitated by the LEA and 287(g) Field Program Manager (FPM). It is the responsibility of the FPM to contact the LEA no later than 30 days prior to the scheduled meeting with a copy of the proposed agenda for LEA review, comment, and approval. The Field Office Director (FOD) or his or her designee may assist in facilitating the approval of the agenda with the LEA, as needed. The agenda should be finalized no later than 10 days prior to the meeting.

4.2. Members

The members of this steering committee will include LEA leadership, the FPM, and the FOD or his or her designee. This committee will also include an ICE Public Affairs Officer and the LEA Public Information Officer.



5. Meetings and Communications

5.1. Meetings

The steering committee will meet on a regular basis during the life of the MOA, at least once every 3 years, unless officer and/or other public safety concerns warrant delaying the meeting beyond this period. However, a new LEA partner must hold its first steering committee meeting within six months of the agreement being operationalized in the field. Portions of the meeting may be private if the steering committee needs to discuss issues or information not releasable to the public.

A notice will be released by the LEA at least 30 days prior to the meeting date and time that is mutually agreeable to the LEA and ICE, informing the local community of the location, date, and time of the meeting, as well as when the agenda for the meeting will be set.

5.2. Meeting Minutes

Meeting minutes may be taken at each public steering committee meeting and submitted to the LEA and FOD or his or her designee for review. If minutes are to be taken, they may be posted in adherence to local rules and regulations pertaining to open meetings after being reviewed by the LEA and FOD. The FPM will send a copy of the meeting minutes to ICE HQ.