



U.S. Immigration
and Customs
Enforcement

NOV 19 2010

MEMORANDUM FOR: James M. Chaparro
Executive Associate Director

THROUGH: Mary F. Loiselle
Deputy Executive Associate Director

FROM: (b)(6), (b)(7)(C)
Enforcement

SUBJECT: Field Oversight of 287(g) Program

Purpose

The purpose of this memorandum is to request your approval of the attached directive titled "Field Oversight of 287(g) Program."

Background

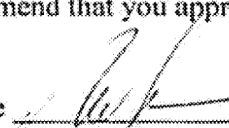
See attached.

Discussion

The attached directive specifies the responsibilities of certain Office of Enforcement and Removal Operations field personnel with oversight responsibility under U.S. Immigration and Customs Enforcement 287(g) Memorandum of Agreements with state and local law enforcement agencies.

Recommendation

I recommend that you approve the attached directive.

Approve  Date 11/2/10 Disapprove _____ Date _____
Modify _____ Date _____ Needs More Discussion _____ Date _____

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT ENFORCEMENT AND REMOVAL OPERATIONS

Policy Number: ERO 11152.01 Field Oversight of 287(g) Program

Issue Date: December 7, 2010

Effective Date: December 7, 2010

Superseded: N/A

Federal Enterprise Architecture Number: 501-095-004a

1. **Purpose/Background.** The purpose of this directive is to specify the responsibilities of certain Enforcement and Removal Operations (ERO) field personnel under the 287(g) program.
 - 1.1. The Office of Primary Interest for this directive is the Assistant Director for Enforcement.
2. **Policy.** All ERO personnel with oversight responsibility under U.S. Immigration and Customs Enforcement (ICE) 287(g) Memorandum of Agreements (MOAs) with state and local law enforcement agencies must be Field Office Directors (FODs), Supervisory Detention and Deportation Officers (SDDOs), Detention and Deportation Officer Program Managers (DDOPMs), Deportation Officers (DOs), or Supervisory Immigration Enforcement Agents (SIEAs). Existing personnel with 287(g) program oversight must successfully complete the “ICE Training for Managing 287(g) Agents and Officers” within a year of its establishment. Once the training program is in place, all personnel assuming oversight responsibilities of the 287(g) program for the first time must be trained within six months of entry on duty.
3. **Definitions.** None.
4. **Responsibilities.**
 - 4.1 The FODs are accountable and responsible for administering the 287(g) program within their area of responsibility (AOR).
 - 4.1.1 FODs responsibilities include, but are not limited to:
 - 1) Ensuring compliance with the MOA in the AOR,
 - 2) Ensuring compliance to existing policies and procedures; adherence to the 287(g) goals by providing the necessary guidance on processing aliens for removal consistent with the terms of the cognizant 287(g) MOA,
 - 3) Ensuring that data input into ENFORCE, Enforce Alien Removal Module (EARM), and all other databases used to process aliens for removal is timely and accurate,

- 4) Hiring and training qualified staff to ensure success of the 287(g) program,
- 5) Developing management controls to ensure that oversight responsibilities of 287(g) supervisors are considered when determining staffing ratios in ICE field offices,
- 6) Providing appropriate oversight and monitoring of operational supervisors of the 287(g) programs and,
- 7) Developing 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.

4.2. SDDOs are responsible for:

- 1) Providing guidance on processing aliens for removal,
- 2) Reviewing charging and other documents and supporting evidence for legal sufficiency and accuracy,
- 3) Overseeing the management of cases of detainees taken into ICE custody by 287(g) law enforcement agencies,
- 4) Managing transfers of aliens into ICE custody,
- 5) Guaranteeing that the 287(g) state or local law enforcement agency provides the field office with required statistical information mandated by the MOA on a timely basis,
- 6) Monitoring compliance with local 287(g) MOAs and reporting discrepancies to the Field Office Director (FOD),
- 7) Serving as signatory authority on charging documents,
- 8) Ensuring data quality in ENFORCE, and
- 9) Ensuring criminal statistics are properly captured in (b)(7)(E)

4.3. DDOPMs are responsible for:

- 1) Conducting outreach with Federal, State, and local law enforcement agencies within the assigned Area of Responsibility (AOR) to promote understanding of ICE programs available to them,

- 2) Establishing ICE Partnership Agreements of Cooperation in Communities to Enhance Safety and Security (ICE ACCESS) with state and local law enforcement agencies, including the 287(g) delegation of authority program,
- 3) Administering the 287(g) program under the authority of the FOD,
- 4) Conducting inspections of 287(g) sites to assure compliance with ERO requirements,
- 5) Providing guidance on processing aliens for removal consistent with the terms of the cognizant 287(g) MOA,
- 6) Reviewing charging and other documents and supporting evidence for accuracy and legal sufficiency,
- 7) Facilitating transfers of aliens into ICE custody from 287(g) sites,
- 8) Confirming that the 287(g) agency provides the cognizant field office with statistical information mandated by the MOA on a timely basis,
- 9) Serving as local liaison to ERO,
- 10) Meeting regularly with the FOD or Deputy Field Office Director (DFOD) and providing program status updates,
- 11) Monitoring compliance with local 287(g) MOAs and reporting discrepancies to the FOD, and
- 12) Serving as signatory authority on charging documents, and
- 13) Conducting regular audits in ENFORCE and EARM focusing on the “Crime-Screen” data.

4.4. DOs and SIEAs are responsible for:

- 1) Providing guidance on processing aliens for removal,
- 2) Reviewing charging and other documents and supporting evidence for legal sufficiency and accuracy,
- 3) Facilitating transfers of aliens into ICE custody from 287(g) sites,
- 4) Routing all A-Files in a timely manner to the SDDO for review and signature,
- 5) Monitoring compliance with local 287(g) MOAs and reporting deviations to the FOD, and
- 6) Data input in (b)(7)(E) and (b)(7)(E)

5. Procedures.

- 5.1. The DDOPM reports to the FOD or designee, but no lower than a DFOD, for all program management issues. The DDOPM shall also maintain direct and open lines of communication with the Deputy Assistant Director (DAD), Criminal Alien Division (CAD), and Unit Chief, Criminal Alien Program (CAP), concerning, but not limited to:
- Statistics mandated by local 287(g) MOAs,
 - 287(g) training concerns,
 - Policy issues,
 - Timely resolutions to data quality/integrity-related issues,
 - Availability of bed spaces,
 - Approvals for leave,
 - Time and attendance reports, and
 - Overtime reports.
- 5.2. In limited cases involving time sensitive issues or other exigency, the DDOPM will be required to respond directly to HQ ERO. The DDOPM will include the FOD, Headquarters CAP Unit Chief and the Criminal Alien Division DAD in all operational correspondence.

6. Authorities/References.

- 6.1. Section 287(g) of the Immigration and Naturalization Act.
- 6.2. MOAs between ICE and participating law enforcement agencies.

7. Attachments. None.

8. **No Private Right Statement.** This directive is an internal policy statement of ERO. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.

James M. Chaparro
Executive Associate Director

Office of Enforcement and Removal Operations