



# 287(g) Warrant Service Officer Internal Oversight Review Guidance

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## 1. Objective

This document provides guidance to U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) 287(g) Headquarters National Program Managers (NPMs) on how to conduct a Warrant Service Officer (WSO) Internal Oversight Review (WSO-IOR).

## 2. Background

In response to a GAO audit recommendation, in lieu of ICE OPR inspections, HQ 287(g) developed an internal oversight mechanism for the 287(g) WSO program to be conducted at regular intervals to ensure compliance with ICE policies, procedures, and directives as well as the WSO participants' compliance with the Memorandum of Agreement (MOA).

The WSO model was originally developed to provide an opportunity for jurisdictions that seek to cooperate with ICE but were precluded from honoring ICE detainers as a matter of local policy or state law. The WSO model also provides an opportunity for jurisdictions who wish to participate in a narrower cooperative agreement with ICE than the 287(g) Jail Enforcement Model (JEM).

Although the authority for the WSO model also derives from section 287(g) of the Immigration and Nationality Act (INA), WSOs, unlike JEM officers, do not interview individuals regarding citizenship and removability. Rather, WSOs receive only limited authorization to serve and execute administrative warrants on behalf and at the direction of ICE on designated noncitizens in their agency's jail or correctional facility at the time of the noncitizen's scheduled release from criminal custody, in order to transfer custody of the noncitizen to ICE.

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### 3. Process

HQ 287(g) will conduct an inspection of the WSO programs every 2 years.

The WSO-IOR Request Form is the template the 287(g) NPMs will send out to the Field Program Manager (FPM), Supervisory Detention and Deportation Officer (SDDO), or applicable field office point of contact (POC) 4-6 weeks before the inspection to obtain information necessary to conduct the inspection. Highlighted areas denote fields for NPMs to complete prior to sending out.

The WSO-IOR Questionnaire will be used by NPMs to ask standard questions of the WSOs, FPM, SDDO, field office POC, and Assistant Field Office Director/Deputy Field Office Director that oversee the local WSO program.

The WSO-IOR Findings Report is the template the NPMs will use to draft inspection findings.

After the inspection and a findings report is issued, HQ 287(g) may request a corrective plan of action and draft an Assistant Director for Enforcement Close-out memorandum. HQ 287(g) will use the JEM templates, with minor adjustments for those documents.

In addition to the biennial WSO-IOR, the HQ NPM will perform an annual summary of the WSO-partner LEA to include the following information:

#### Program dynamics

- FPM/POC name and title
- Assisting SDDO name
- Number of current WSOs
- NPM last site visit date
- Date the initial MOA was signed
- Date the last steering committee meeting was held
- Date of the next steering committee
- Number of warrants served for the previous 3 fiscal years (FYs)

#### Internal oversight review (previous 3 FYs)

- Type of review (Program/Focus)
- Number of deficiencies<sup>1</sup>
- Number of areas of concern<sup>2</sup>
- If the review has been closed out

Number of complaints reported through the 287(g) HQ Unit to CRCL (previous 3 FYs)

<sup>1</sup> A violation of written policy that can be specifically linked to the terms of the MOA, ICE policy, or operational procedure.

<sup>2</sup> An issue that does not violate the MOA or written policy, but may nevertheless reduce the effectiveness of 287(g) program operations.