



U.S. Immigration
and Customs
Enforcement

JAN 19 2010

MEMORANDUM FOR: Field Office Directors
Special Agents in Charge

FROM:

(b)(6),(b)(7)(C)

SUBJECT: Field Guidance on Monitoring the Exercise of 287(g) Authority

Purpose

This memorandum provides guidance to ICE field office directors and special agents in charge on how to monitor the exercise of 287(g) authority in their area of operations.

Background

On December 9, 2009, Deputy Assistant Secretary (DAS) (b)(6),(b)(7)(C) signed a memorandum titled "*Monitoring the Exercise of 287(g) Authority*" addressed to all field office directors (FODs) and special agents in charge (SACs). This memorandum advised the field that they are responsible for ensuring that law enforcement agency partners adhere to the terms of the revised 287(g) memorandum of agreement (MOA) and exercise the delegated authority consistent with ICE priorities.

Discussion

On July 10, 2009, DHS introduced a new standardized 287(g) MOA template. The new MOA enhances public safety by setting specific priorities for criminal aliens who are a threat to local communities, ensuring consistent and uniform policies, and providing a force multiplier for ICE's immigration enforcement efforts across the country.

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The Office of State and Local Coordination (OSLC) will provide this information to the respective HQ tasking office that will in turn provide it to the appropriate SAC/FOD.

The SAC/FOD office will review the statistics provided and complete data quality updates as needed. An example would be manually reviewing the “no data”, “traffic-other”, and “traffic-DUI” fields to ensure the criminality level is reflected accurately and adheres to the 287(g) processing guidelines.

Once this data review is complete, the SAC/FOD will provide the appropriate Office of Investigations (OI)/DRO director with a memo detailing what the original statistics were, what they were after the data quality review, and how the 287(g) program is working in relation to ICE priorities. If the 287(g) program is not operating in accordance with ICE priorities, the memorandum should address what actions are being taken by the SAC/FOD to ensure compliance with ICE priorities. The SAC/FOD office needs to complete one memorandum per 287(g) program in their area of responsibility.

Once the SAC/FOD office completes the memoranda for the 287(g) programs, they should be submitted back to the appropriate 01 or DRO HQ point of contact, who will then provide their respective agencies quarterly reports to DAS Pena through the OSLC.

It is recommended that the SAC/FOD office receive statistics from the partnering law enforcement agencies regarding the “criminality levels” of their local jurisdiction. This information will give the SAC/FOD office the ability to accurately compare 287(g) criminality levels to that of the entire law enforcement agency’s (LEA) criminal population.

OSLC is providing a copy of the 287(g) ENFORCE user manual and a table identifying what crimes are assigned to which criminality levels.

ATTACHMENTS:

1. *Monitoring the Exercise of 287(g) Authority* memorandum dated December 9, 2009
2. *Processing Guidelines for 287 (g) Related Encounters* 01 memorandum dated May 9, 2009
3. *Processing Guidelines for 287 (g) Related Encounters* DRO memorandum dated June 8, 2009
4. 287(g) ENFORCE user manual dated November 9, 2009
5. Processing levels as of December 14, 2009