

The 287(g) Program

The 287(g) program permits state and local law enforcement to enforce civil immigration law under the supervision of ICE agents. Authority for this program emanates from section 287(g) of the Immigration and Nationality Act (INA), which authorizes the Secretary of Homeland Security to enter into agreements with state and local law enforcement agencies to enforce U.S. immigration laws. To participate, a law enforcement agency must enter into a Memorandum of Agreement (MOA) with ICE. In July 2009, ICE announced that all current and future MOAs would be standardized. The MOA articulates objectives and priorities of the program, defines the scope of state and local law enforcement authority, and entitles partner jurisdictions to training and authorization to identify and detain immigration offenders during routine law enforcement activity. Agreements take the form of one of three different “models.” First, in the Detention Model, 287(g)-authorized officers assigned to jail/correctional facilities perform immigration enforcement functions after individuals are detained by police. Second, in the Task Force Officer Model, officers enforce immigration laws on the streets. The Hybrid Model combines the Detention and Task Force Officer models. Currently, there are 66 active MOAs and 11 newly approved partnerships, most following the Detention Model.

More information:

- *287(g) FAQ*, from **ICE**, available at: http://www.ice.gov/partners/287g/Section287g_faq.htm
- *The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties*, from the **Police Foundation**, available at: <http://www.policefoundation.org/pdf/strikingabalance/Executive%20Summary.pdf>
- *DHS Continues State And Local Immigration Enforcement Program Without Meaningful Changes*, from the **ACLU**, available at: <http://www.aclu.org/immigrants/gen/40358prs20090717.html>

Border Enforcement Security Task Force (BEST)

In response to increases in crime and violence along the U.S.-Mexico border, ICE partnered with federal, state, local, and foreign law enforcement agencies to collaborate against drug cartels and transnational criminals. The BEST initiative is designed to identify, disrupt, and dismantle criminal organizations threatening the border by increasing information sharing between law enforcement agencies. Currently, there are 11 BESTs operating throughout the U.S. Although the task forces are primarily based in states along the southern border, including Texas, Arizona, and California, there are also offices in Washington, New York, and Florida.

More information:

- *BEST Fact Sheet*, from **ICE**, available at: http://www.ice.gov/pi/news/factsheets/o8o226best_fact_sheet.htm

- *Backgrounder: Southwest Border Security Operations*, from **National Immigration Forum**, available at: <http://www.immigrationforum.org/images/uploads/SouthwestBorderSecurityOperations.pdf>

Criminal Alien Program (CAP)

The Criminal Alien Program (CAP) is responsible for identifying, processing, and removing “criminal aliens” currently incarcerated in federal, state, and local detention facilities. After identifying a non-citizen as being removable, ICE is able to seek a final order of removal prior to the completion of a criminal sentence, preventing their future release. CAP is administered by the ICE Office of Detention and Removal Operations (DRO), which assigns officers to federal, state, and local prisons throughout the country. DRO officers screen inmates to identify those who are foreign born, and initiate formal removal proceedings in immigration court. Despite a professed focus on immigrants with serious criminal histories, ICE is still accepting illegal immigrants arrested on misdemeanors.

More information:

- *CAP Factsheet*, from **ICE**, available at: http://www.ice.gov/pi/news/factsheets/criminal_alien_program.htm
- *Programs: CAP*, from **ICE**, available at: <http://www.ice.gov/partners/dro/cap.htm>
- *Dangerous Merger: Corrupting the criminal justice system for immigration enforcement*, from **Immigrant Justice Network**, available at: <http://www.ilrc.org/immigrantjusticenetwork/HandoutFinal5.pdf>

Intergovernmental Service Agreements (IGSAs)

IGSAs are the major mechanism through which ICE is able to maintain a detention capacity of over 33,000 individuals per day. IGSAs are agreements between ICE and local detention facilities that rent space to ICE to hold immigrant detainees within those facilities. ICE has IGSAs with over 350 state and local jails. IGSA facilities hold approximately 67 percent of the ICE detainee population, or more than 22,000 individuals.

More information:

- *Detention Management Program*, from **ICE**, available at: <http://www.ice.gov/partners/dro/dmp.htm>
- *DHS: Organizational Structure and Resources for Providing Health Care to Immigration Detainees*, from **Government Accountability Office**, available at: <http://www.gao.gov/new.items/d09308r.pdf>

Secure Communities

Announced in March 2008, Secure Communities is another program designed to identify “criminal aliens” and prioritize their removal based on the severity of their crimes. The centerpiece of this program is the use of biometric identification to expedite the identification and removal process. During booking in a federal, state, or local jail, inmates’ fingerprints are captured and checked against Department of Homeland Security (DHS) and FBI fingerprint databases. If the fingerprints match a database record, ICE is automatically notified. After conducting follow up interviews, ICE typically places a detainer against the arrested person, which requires the arresting agency to notify ICE before their release so ICE can assume custody. As of June 2009, biometric identification was available in 50 jurisdictions in eight states, including Arizona, California, Florida, Massachusetts, North Carolina, Pennsylvania, Texas, and Virginia. ICE plans to have Secure Communities implemented in all U.S. jails within four years.

More information:

- *About Secure Communities*, from **ICE**, available at: http://www.ice.gov/secure_communities/
- *More Questions Than Answers About the Secure Communities Program*, from **National Immigration Law Center**, available at: <http://www.nilc.org/immlawpolicy/LocalLaw/secure-communities-2009-03-23.pdf>

State Criminal Alien Assistance Program (SCAAP)

Administered within the Department of Justice (DOJ) by the Bureau of Justice Assistance (BJA), in collaboration with ICE, SCAAP provides federal funds to reimburse States and localities that incurred correctional officer salary costs for incarcerating undocumented immigrants. To receive funding, a state or local applicant must demonstrate that an immigrant was convicted of a felony or second misdemeanor for violation of state or local law, and was incarcerated for at least four consecutive days. If these criteria are met, all pre-trial and post-conviction time served is eligible for reimbursement.

More information:

- *BJA Programs: State Criminal Alien Assistance Program (SCAAP)*, from **BJA**, available at: <http://www.ojp.usdoj.gov/BJA/grant/scaap.html>
- *Cooperation of SCAAP Recipients in the Removal of Criminal Aliens From the United States*, from **Office of Inspector General**, available at: <http://www.usdoj.gov/oig/reports/OJP/ao707/final.pdf>