



U.S. Immigration
and Customs
Enforcement

Immigration and Customs Enforcement 287(g) Program Steering Committee Meeting 2024

Sheriff Eric J. Severson
Waukesha County Sheriff's Department



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and Customs
Enforcement

ERO Mission Statement

To protect the homeland through the arrest and removal of those who undermine the safety of our communities and the integrity of our immigration laws.



Enforcement and Removal Operations

Integrity. Courage. Excellence.



“To protect the homeland through the arrest and removal of aliens who undermine the safety of our communities and the integrity of our immigration laws.”



287(g) Steering Committee Mission Statement

The mission of the steering committee is to:

- 1) Improve program oversight and direction
- 2) Identify issues and concerns regarding immigration enforcement activities
- 3) Increase transparency
- 4) Offer stakeholders opportunities to communicate community-level perspectives.



287(g) Steering Committee Vision Statement

The vision of the committee is to create safer communities and improve national security by enhancing ICE's ability to identify and remove criminal noncitizens by gaining an independent, community-level perspective on 287(g) operations.



287(g) Steering Committee

- Steering Committee Meetings (SCMs) are held jointly by ICE and the Waukesha County Sheriff's Department at least once every 3 years. This meeting is open to the public to educate them on the program and answer questions from the community.
- The SCM is purely informational and doesn't have or exercise decision-making authority over the 287(g) program.



287(g) Program Legal Authority

- The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g) to the Immigration and Nationality Act (INA). This section of the law authorizes U.S. Immigration and Customs Enforcement (ICE) to delegate the authority to perform specified immigration officer functions to state and local law enforcement officers, under the direction and oversight of ICE, pursuant to a signed memorandum of agreement (MOA).



287(g) Delegation of Authority

- Section 287(g) of the Immigration and Nationality Act provides the capability for DHS to delegate to state and local law enforcement officers the limited authority to enforce federal immigration law under a signed agreement between DHS and other agencies.
- 287(g) authority allows state and local law enforcement entities to enter into a voluntary partnership with ICE under a joint MOA.
- The program enhances the safety and security of communities as a force multiplier by partnering with state and local law enforcement agencies (LEAs) to identify and remove criminal noncitizens.



287(g) Delegation of Authority

- Currently, ICE has 60 established Jail Enforcement Model (JEM) MOAs with partner LEAs in 17 states.
- Participation by state and local LEAs is voluntary, and delegation is granted only after Department of Homeland Security (DHS)/ICE approval and extensive training by ICE is completed.
- State or local entity receives delegated authority for immigration enforcement within their jurisdiction only.



Waukesha County 287(g) Program Implementation

- Memorandum of Agreement (MOA) signed on February 2, 2018.
- The Memorandum of Agreement (MOA) between ICE and WCJ is operational, and valid without expiration unless terminated by either party.
- The WCJ 287(g) Program currently has 8 officers who have completed training, perform as Designated Immigration Officers (DIOs), and have limited authority to enforce US immigration laws under Section 287 of the Immigration and Nationality Act (INA).
- The MOA is available at www.ice.gov.



287(g) JEM Training

- Immigration Authority Delegation Program course – (4 weeks) at the ICE Advanced Academy in Charleston, SC.
- Immigration Authority Delegation Refresher Program Course – every 2 years (1 week)



287(g) DIO Authority

- The 287(g) program can only operate within the confines of WCJ - NOT outside of the facility.
- DIO authority is exercised only after a foreign-born person has been arrested by a state or local law enforcement agency and booked into a detention facility with a 287(g) program.
- Only an Immigration Judge or Senior ICE Official can order the removal of a criminal non-citizen placed in removal proceedings.



287(g) DIO Authority

- Power and authority to interrogate any person believed to be a noncitizen as to his/her right to be or remain in the United States.
- Power and authority to serve warrants of arrest for immigration violations.
- Power and authority to administer oaths and to take and consider evidence to complete required criminal non-citizen processing, including fingerprinting, photographing, and the interviewing of non-citizens, as well as the preparation of affidavits and taking of sworn statements for ICE supervisory review.



287(g) DIO Authority

- Power and authority to **prepare charging documents**, including the preparation of a Notice to Appear or other charging document, as appropriate, for the signature of an ICE officer for non-citizens in categories established by ICE supervisors.
- Power and authority to **issue immigration detainers** and I-213, Record of Deportable/Inadmissible Alien, for processing non-citizens in categories established by ICE supervisors.



ICE Oversight of 287(g) Programs

A Field Program Manager (FPM) is assigned to each program and is responsible for:

- Managing the program
- Providing guidance to the 287(g) DIOs
- Ensuring policies are distributed and followed
- Reviewing charging documents for legal sufficiency
- Signing legal documents
- Managing transfers to ICE custody
- Ensuring that DIOs complete all required training
- Communicating with law enforcement partners on the program



ICE Oversight of 287(g) Programs

The ICE Office of Professional Responsibility (OPR), conducts routine inspections every two years.

- The objective of OPR reviews are to assess compliance with the MOA between ICE and WCJ and to provide feedback.
- Most recent OPR inspection of the WCJ 287(g) program:
 - June 6-8, 2023



Waukesha County 287(g) Program Resources

- ICE provided the following at no cost to Waukesha County.
 - Program Training
 - Program Equipment
 - Program Oversight
- No Waukesha County employees are dedicated solely to the program.



287(g) Complaint Process

- Complaints regarding the 287(g) program are accepted from any source (including LEAs, participating LEA personnel, inmates, and the public);
- Notices regarding how to file complaints regarding 287(g) are posted prominently in the Waukesha County Jail 287(g) area.
- Complaints are forwarded to the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) Review and Compliance.
- There has not been a substantiated complaint regarding or directly related to the operation of the 287(g) program in WCJ.



287(g) Complaint Process

287(g) Program Complaint Process

Do you have a civil rights or civil liberties complaint?

Under the U.S. Immigration and Customs Enforcement (ICE) 287(g) program, some local and state law enforcement agencies are authorized to enforce U.S. immigration laws.

If you are being questioned about your immigration status in the United States, or have been served with Immigration documents by personnel acting on behalf of ICE, and you believe your rights were violated, you have the right to make a complaint.

Anyone can file a complaint on your behalf, including: a relative, friend, law enforcement agencies (LEAs), a law enforcement officer from a participating LEA, or anyone from the public.

As an immigration detainee, you have the right:

- To be treated fairly;
- Not to be discriminated against based on your race, color, ethnicity, or national origin;
- Not to be subject to excessive use of force or abusive conditions;
- To an environment that provides for your safety, care, and well-being;
- To use a phone or the Internet to make a complaint;
- Not to be retaliated against for making a complaint or asking for help.

If your rights have been violated, contact one of the following entities by phone, e-mail, or U.S. mail to make a complaint or ask for help.

- ▶ **Call toll-free:** 800-323-8603 DHS Inspector General
877-246-8253 ICE Office of Professional Responsibility
- ▶ **Email:** Joint.Intake@dhs.gov
- ▶ **U.S. Mail:** DHS, ICE Office of Professional Responsibility
P.O. Box 14475, Pennsylvania Avenue NW
Washington, DC 20044 *(May take up to 4 weeks for security screening)*

You do not have to give your name. Your call will be kept confidential. A copy of your complaint will be forwarded to the DHS Office for Civil Rights and Civil Liberties (CRCL).



Programa 287(g)

Procedimiento para Presentación de Quejas

¿Tiene usted alguna queja sobre un derecho o libertad civil?

Bajo el programa 287(g) del Servicio de Inmigración y Control de Aduanas de los Estados Unidos, (ICE) algunas agencias del orden público tanto local como estatal están autorizadas a imponer las leyes de Inmigración de los Estados Unidos.

Si usted está siendo interrogado sobre su estatus migratorio en los Estados Unidos o se le ha entregado documentos de Inmigración por personal actuando en nombre de ICE y usted cree que se le han infringido sus derechos, usted tiene el derecho de presentar una queja. Cualquier persona puede presentar una queja en su nombre, incluyendo: un familiar, un amigo, agencias de orden público (LEAs), un oficial del orden público de una LEA participante o cualquier persona civil.

Como un detenido de Inmigración usted tiene el derecho de:

- Ser tratado(a) con justicia;
- No ser discriminado(a) por razón de su raza, color, etnia u origen nacional;
- No ser sometido(a) al uso de fuerza excesiva o condiciones de abuso;
- Estar en un ambiente que le proporcione seguridad, cuidado, y bienestar;
- De utilizar el teléfono o el Internet para presentar una queja;
- No recibir represalias por haber presentado una queja o haber pedido ayuda.

Si se han infringido sus derechos,

contáctenos por teléfono o correo electrónico para presentar una queja o pedir ayuda.

- ▶ **Llame gratis:** 800-323-8603 Inspector General de DHS
877-246-8253 Oficina de Responsabilidad Profesional de ICE
- ▶ **Electrónico:** Joint.Intake@dhs.gov
- ▶ **Dirección en los Estados Unidos:** DHS, ICE Office of Professional Responsibility
P.O. Box 14475, Pennsylvania Avenue NW
Washington, DC 20044
(La verificación de seguridad puede durar hasta 4 semanas.)

Usted no tiene que dar su nombre. Su llamada será confidencial. Se enviara una copia de su queja a la Oficina de Derechos y Libertades Civiles de DHS (CRCL).





Guidelines for the Enforcement of Civil Immigration Law

A. Threat to National Security

- A noncitizen who engaged in or is suspected of terrorism or espionage, or terrorism-related or espionage-related activities, or who otherwise poses a danger to national security, is a priority for apprehension and removal.



Guidelines for the Enforcement of Civil Immigration Law

B. Threat to Public Safety

- A noncitizen who poses a current threat to public safety, typically because of serious criminal conduct, is a priority for apprehension and removal.



Guidelines for the Enforcement of Civil Immigration Law

C. Threat to Border Security

- A noncitizen who poses a current threat to border security is a priority for apprehension and removal.



Guidelines for the Enforcement of Civil Immigration Law

- A noncitizen is a threat to border security if:
 - (a) they are apprehended at the border or port of entry while attempting to unlawfully enter the United States; or
 - (b) they are apprehended in the United States after unlawfully entering after November 1, 2020



Prosecutorial Discretion

- Prosecutorial Discretion (PD) is granted to inadmissible/deportable criminal offenders due to compelling humanitarian reasons on a case-by-case, to include:
 - Minimal criminal history.
 - Serious medical conditions.
 - Sole family providers.
 - Nursing mothers.



Guidelines for the Enforcement of Civil Immigration Law

- There can be aggravating factors that militate in favor of enforcement action. Such factors can include, for example:
 - the gravity of the offense of conviction and the sentence imposed;
 - the nature and degree of harm caused by the criminal offense;
 - the sophistication of the criminal offense;
 - use or threatened use of a firearm or dangerous weapon;
 - a serious prior criminal record.



Guidelines for the Enforcement of Civil Immigration Law

Conversely, there can be mitigating factors that militate in favor of declining enforcement action. Such factors can include, for example:

- advanced or tender age;
- lengthy presence in the United States;
- a mental condition that may have contributed to the criminal conduct, or a physical or mental condition requiring care or treatment;



Guidelines for the Enforcement of Civil Immigration Law

- Status as a victim of crime or victim, witness, or party in legal proceedings;
- the impact of removal on family in the United States, such as loss of provider or caregiver;
- whether the noncitizen may be eligible for humanitarian protection or other immigration relief;
- military or other public service of the noncitizen or their immediate family;
- time since an offense and evidence of rehabilitation;
- conviction was vacated or expunged.



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Question and Answers