

## 287(g) FOIA response

**Background:** On September 30, 1996, the Immigration and Nationality Act (INA) was amended to include 287(g), Title 8 U.S.C. Section 1357(g), to the Act. Section 287(g) of the INA authorized the Secretary of Homeland Security to enter into a written agreement to delegate the authority of enforcing federal immigration laws to a state or political sub-division of a state. In 2002, the State of Florida, through the Florida Department of Law Enforcement (FDLE), entered into the first agreement with the former Immigration and Naturalization Service (INS) to receive the 287(g) cross designation training. In 2003, the Alabama Department of Public Safety (ALDPS) entered into the second agreement with ICE. In 2005, the Arizona Department of Corrections (ADC), the Los Angeles County Sheriff's Department (LASD), and the San Bernardino County Sheriff's Department (SBSD), entered into a written agreement to receive the 287(g) cross designation training. In 2006, the Riverside County Sheriff's Department (RSD) and the Mecklenburg County Sheriff's Department (MCSO) entered into an agreement to receive the 287(g) cross designation training. Since the implementation of the 287(g) program, the following agencies have received or are pending the cross-designated training:

<u>Agency</u>	<u>Area of Operation</u>	<u>Officers 287(g) trained</u>
FDLE	Florida (Task Force)	62
ALDPS	Alabama (Task Force)	44
ADC	Arizona (Jails)	12
SBSD	California (Jails)	10
LASD	California (jails)	8

<u>Scheduled 287(g) Training</u>	<u>Officers pending 287(g) training</u>
RSD	California (Jails) 10
SBSD	California (Jails) 4
MCSO	North Carolina (Jails) 12

**Results:** To date, the cross-designated officers in Florida, Alabama, Arizona, San Bernardino, California, and Los Angeles, California have initiated or participated in the following 287(g) related arrests:

<u>Florida</u>	<u>Alabama</u>	<u>Arizona</u>	<u>San Bernardino</u>	<u>Los Angeles</u>
139	95	349	125	112

The Office of Executive Information (OEI) is working on a tracking method that will identify 287(g) apprehensions.

**287(g) Pending Approval:** The following state/local agencies have a pending request with ICE to participate in the 287(g) Program:

California: Orange County Sheriff's Department  
Alabama: Hunstville City Police and Madison County Sheriffs  
New Hampshire: Carroll & Merrimack County Sheriffs, Londonderry City, and Hudson Police Dept.  
Texas: Bee, Goliad, Refugio and Victoria County Sheriffs

**ALABAMA arrests:**

**Federal Indictments**

8 USC 1325(a) Illegal Entry = 3  
18 USC 911 False Claim to USC = 1  
18 USC 922(g)(5)(A) Alien w/ Firearm = 1  
18 USC 1001(a) False Statements = 1  
18 USC 1028(A) Agg. Identity Theft = 1  
18 USC 1028(a)(6) Fraud Documents = 14  
18 USC 1546(a) Visa/Permit Fraud = 15  
18 USC 1546(b)(2) Employment Fraud = 1  
18 USC 1621 Perjury = 1  
42 USC 408(a)(7)(B) Social Security Fraud = 15  
42 USC 408(a)(7)(C) Social Security Fraud = 1  
**TOTAL = 54**

**Federal Charges Pending Disposition**

18 USC 922(g)(5)(A) Alien w/ Firearm = 1  
18 USC 1028(a)(6) Fraud Documents = 2  
18 USC 1546(a) Visa/Permit Fraud = 1  
42 USC 408(a)(7)(B) Social Security Fraud = 1  
18 USC 922(g) Firearms = 1  
**TOTAL = 6**

**State Arrests**

13A-9-3 Possession of Forged Instrument = 29  
13A-9-10 Criminal Simulation = 1  
13A-10-9 Giving False Information = 1  
13A-11-50 Carrying Concealed Weapon = 1  
13A-12-214 Possession of Marijuana 2<sup>nd</sup> = 1  
32-5A-191 Driving Under the Influence = 2  
**TOTAL = 35**

**State Charges Pending Disposition**

13A-9-3 Possession of Forged Instrument = 7  
13A-10-9 Giving False Information = 1  
32-5A-191 Driving Under the Influence = 1  
**TOTAL = 9**

**Federal Convictions**

18 USC 911 False Claim to USC = 1  
18 USC 1001(a) False Statements = 1  
18 USC 1028(a)(6) Fraud Documents = 5  
18 USC 1546(a) Visa/Permit Fraud = 10  
18 USC 1621 Perjury = 1  
42 USC 408(a)(7)(B) Social Security Fraud = 10  
18 USC 922(g)(5) Firearms = 1  
8 USC 1326(b)(1) Prior Deport Felon = 1  
8 USC 1326(b)(2) Prior Deport Agg. Felon = 2  
8 USC 1325 Illegal Entry = 1

**TOTAL = 33**

**Federal Charges Pending Indictment**

8 USC 1325(a) Illegal Entry = 1  
18 USC 911 False Claim to USC = 1  
18 USC 1001(a) False Statements = 1  
18 USC 1028(a)(6) Fraud Documents = 3  
18 USC 1543 Passport Fraud = 1  
18 USC 1546(a) Visa/Permit Fraud = 3  
42 USC 408(a)(7)(B) Social Security Fraud = 3  
**TOTAL = 13**

**State Convictions**

13A-9-3 Possession of Forged Instrument = 1  
13A-9-10 Criminal Simulation = 1  
13A-121-231 Trafficking Methamphetamine = 1  
13A-11-50 Carrying Concealed Weapon = 1  
13A-12-214 Possession of Marijuana 2<sup>nd</sup> = 1  
13A-12-211 Trafficking in CDS = 2  
13A-7-6 Burglary 2<sup>nd</sup> Degree = 1  
13A-6-62 Rape 2<sup>nd</sup> Degree = 4  
32-5A-191 Driving Under the Influence = 1  
**TOTAL = 13**

**Florida arrests:**

**Federal Indictments**

8 USC 1325 Illegal Entry =1  
8 USC 1326 Illegal Reentry = 4  
18 USC 1546 Permit/Employment Fraud = 63  
18 USC 911 False Claim to USC = 5  
18 USC 922 Alien w/ Firearm = 8  
18 USC 924 False info on Firearm Form = 1  
18 USC 1543 False Use of Passport = 1  
18 USC 1028 Fraud Documents = 1  
18 USC 1001 False Statements = 3  
18 USC 1425 Procure Citizenship Unlawfully = 1  
42 USC 408 Misuse of Social Security Number = 4

**TOTAL= 119**

**State Arrests**

FSS 322.212 Driver's License Fraud = 20

**Federal Convictions**

8 USC 1325 Illegal Entry =1  
8 USC 1326 Illegal Reentry = 4  
18 USC 1546 Permit/Employment Fraud = 56  
18 USC 911 False Claim to USC = 4  
18 USC 922 Alien w/ Firearm = 5  
18 USC 924 False info on Firearm Form = 1  
18 USC 1543 False Use of Passport = 1  
18 USC 1028 Fraud Documents = 1  
18 USC 1001 False Statements = 3  
18 USC 1425 Procure Citizenship Unlawfully =  
42 USC 408 Misuse of Social Security Number = 34

**TOTAL= 110**

**State Convictions**

FSS 322.212 Driver's License Fraud = 20

**Details on 287(g) Training Program Cost:**

The Office of Training and Development, US Immigration and Customs Enforcement, Office of Detention and Removal Operations Academy at the Federal Law Enforcement Training Center indicated that the per student cost for an attendee in the 5 week 287(g) Delegation of Authority training is \$519.58. This cost projection includes student handouts, workbooks, training materials and law books.

**Localities Not Participating In The 287(g) Program**

Localities that have been provided information, since January 2004, and/or a briefing and have and are not participating:

**Arkansas:** Arkansas State Police (no contact since information was provided)

**Colorado:** DAD [REDACTED] and PM [REDACTED] provided a briefing to the Colorado State Legislature on the 287(g) program in April 2004. (no contact since the briefing)

**Connecticut:** City of Danbury and Connecticut State Assembly. (no contact since information was provided by phone)

**Massachusetts:** City of Boston Police Department. (no contact since the initial phone conversation was provided)

**Michigan:** Michigan State Police. (no contact since information was provided by phone)

**New Jersey:** Morristown Police Department and the City of Summit. (no contact since phone conversation and email exchange)

**New York:** Suffolk County. (no contact since initial phone conversation)

**Oklahoma:** DAD [REDACTED] attended an Immigration/Law Enforcement Task Force meeting in Tulsa, OK., hosted by Congressman John Sullivan, August 2004. DAD [REDACTED] provided a briefing to a group of Judges, Chiefs of Police and County Sheriffs. (no contact since briefing)

**Pennsylvania:** Pennsylvania State Police and Mt. Lebanon City Police. (no contact since briefing & meeting)

**Tennessee:** TN State House of Representatives, Robinson County and Livingston City Police Department. (no contact since initial phone conversations)

**Virginia:** Virginia State Police, Loudon County and Herndon City Police Department. (VA Governor wouldn't approve the MOU for the State Police, no contact with Loudon County or Herndon since initial phone conversations)