

# Immigration and Customs Enforcement

## *287(g) Program & Secure Communities*



**Terry S. Johnson**  
Sheriff of Alamance County



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Sheriff of Rockingham County

# 287(g) Program Presentation



Honorable Sheriff Terry S. Johnson  
Alamance County

# History of 287(g)

- The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g), performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act. This authorizes the Deputy Director of ICE to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform immigration law enforcement functions, provided that the local law enforcement officers receive appropriate training and function under the supervision of ICE officers.

# 287(g) Program

- The 287(g) program, one of ICE's top partnership initiatives, allows a state and local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement (MOA). The state or local entity receives delegated authority for immigration enforcement within their jurisdictions.
- There are two types of 287(g) officers:
  - TFO - Task Force Officer
  - JEO - Jail Enforcement Officer (Current Model used by Alamance County S.O.)

# Participating Agencies

- Currently ICE has 287(g) agreements with 69 law enforcement agencies in 24 states. Since January 2006, the 287(g) program is credited with identifying more than **217,300** potentially removable criminal aliens.
- ICE has trained and certified more than 1,500 state and local officers nationwide.
- Currently ICE has six (6) 287(g) sites in North Carolina and all 100 counties are participating in Secure Communities.

# How the 287(g) Jail Enforcement Model Works

- It only applies to **Criminals** who also happen to be illegal aliens.
- Persons identified by the program “**self select**” by committing a crime and being arrested.
- Illegal aliens in NC who are not arrested will not be identified through the 287(g) Jail Enforcement Model program in NC.

# 287(g) Processing Procedure

- A subject is arrested by a local officer on state/local charges and is transported to a detention facility for processing and appearance before a judicial official.
- While in pre-booking the arresting officer fills out a property sheet; there are two questions on the property sheet: “Where were you born?” and “What country are you a citizen of?”
- If a subject indicates that he/she is foreign born or a citizen of another country, a 287(g) officer is notified.

# 287(g) Processing Procedure

## (Continued)

- Detention Officers who are ***I.C.E.*** certified may interview all non-U.S. citizens and nationals brought into the Alamance County jail for criminal process in order to determine status and removability.
- Interview forms are used which require both the subject's and the officer's signature and the subject's right index fingerprint.



# 287(g) Processing Procedure

## (Continued)

- Subject is interviewed by 287(g) officers to determine alienage and removability.
- Subject is fingerprinted through IDENT/IAFIS.
- Checks are made through CIS, NCIC, CJLEADS, and CLAIMS.
- Subject then served with Notice of Legal Services, Change of Address form, Consular Notification, Notice of Online Detainee System and Notice of Rights.
- An “A” file is created (if subject has existing “A” file a copy is requested).

# 287(g) Processing Procedure

## (Continued)

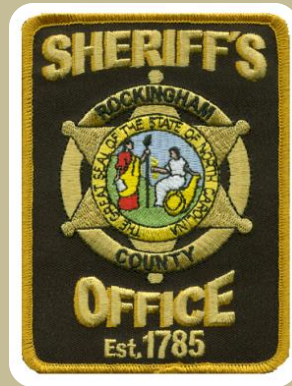
- Prepare a Notice to Appear (NTA) or other removal charging documents, such as Notice of Intent to Administratively Remove, or Notice of Intent to Reinstate Removal, or Notice of Intent to Expeditiously Remove.
- Subject is allowed to make phone calls.
- The file is reviewed for completeness and approval by on-site I.C.E. supervisor.
- Subject awaits disposition of state charges.
- Once state charges are disposed, subject rolls into I.C.E. custody.
- \* If at any point during the process the subject is determined to be a legal resident no further action is necessary by I.C.E.

# Alamance County 287(g) Statistics

2007 to Present (12/04/11)

- Inmates Interviewed: 2285  
(Number of inmates charged and brought into jail that are non-U.S. born)
- Inmates Processed for Removal: 1779  
(Number of inmates placed in removal proceedings)
- Prior Arrest Record: 253  
(Number with prior immigration or criminal arrest records)  
*(Statistic not recorded prior to 1/1/2010)*
- Prior Deportation: 120  
(Number processed that had been removed and re-entered U.S.)
- Outstanding Warrant for Removal: 60  
(Number ordered removed but remained in U.S.)

# Secure Communities Presentation



Honorable Sheriff Sam S. Page  
Rockingham County

# Secure Communities

- Secure Communities' first goal is to identify all criminal aliens held in jails and prisons.
- The program relies on the sharing of national and local immigration and law enforcement data through a technology and process called IAFIS/IDENT Interoperability.
  - IAFIS is FBI's fingerprint database.
  - IDENT is Homeland Security's fingerprint database.

# Secure Communities Procedure

- Local officers take fingerprints of all persons booked in the jail and submit them to the FBI and ICE through the SBI.
- The prints will automatically be checked against IAFIS and IDENT for potential matches
- Local officers and ICE will be notified of previous convictions and whether the person has an immigration record.
- Along with the fingerprints, booking information will include whether the person has declared a foreign place of birth.

# Secure Communities

- If a hit is confirmed with the immigration database, an I.C.E. detainer is placed on subject.
- As of March 15, 2011, all 100 N.C. Sheriffs participate in Secure Communities.

Los Angeles Police Department officers arrested a man for a minor offense – an outstanding warrant. During booking, his fingerprints resulted in an IDENT/IAFIS Interoperability match, which automatically notified ICE of his arrest and his immigration history. The man had been removed from the United States four times since a 1992 homicide conviction. He also had several DUI convictions and a conviction for cocaine possession. Because both criminal and immigration biometric systems were checked during booking, ICE was alerted to his arrest, criminal history and prior removals. ICE took him into custody and the U.S. Attorney's Office accepted his case for criminal prosecution.

# Since Secure Communities began in Rockingham County October 2010:

- ***58 Criminal Illegal Aliens have been identified.***
- 49 were placed on Federal Detainer.
- 36 were picked up by I.C.E.
- 10 re-offended and were placed **BACK** in the Rockingham County Jail.
- 25 were D.W.I. offenses
- 4 were Assault on a Female charges
- 1 was charged with Attempted Murder



# Consequences and Effects

# N.C. Media Headlines

## Eden, NC– 07/16/2011

Rockingham County Sheriff's Deputies arrested a suspect ... after responding to a **domestic assault** call at a home in Eden that left one woman severely injured and covered in blood.

- digtriad.com

## Mount Airy, N.C. – 11/06/09

A man accused of **murdering four people** in Mount Airy Sunday was in the **U.S. illegally and had been deported previously**, an official with a federal agency confirmed Friday.

- Mt Airy News

## Ayden, N.C. – 06/04/11

A suspected **illegal immigrant** is accused of committing **“countless” break-ins and larcenies** that targeted the Hispanic community in Pitt County...

[...]

He was also put under a **detainer by the U.S. Immigration and Customs Enforcement.**

- WRAL News

## Raleigh, N.C. – 05/23/10

A 23-year-old Raleigh man was arrested Saturday in connection with the alleged **rape of a 12-year-old girl.**

[...]

He was also placed under a detainer by Immigration and Customs Services, which believes he is **in the country illegally.**

- WRAL News

# N.C. Media Headlines

## **Wilson, N.C. – 06/22/07**

An illegal immigrant was arrested Friday morning and **charged with a rape** that occurred in Wilson 10 years ago, police said.

[...]

**...had been deported in 1998 and re-entered the U.S.**

- WRAL News

## **Graham, N.C. – 07/05/11**

A Burlington man pleaded **guilty to two counts of indecent liberties with a child** Monday and will spend up to three years in prison before he is deported.

[...]

**...also under a U.S. Immigration and Customs Enforcement detainer...**

- Burlington Times News

## **Burlington, N.C. – 06/17/11**

The Alamance County Sheriff's Office and N.C. Alcohol Law Enforcement busted a **counterfeit document operation in Burlington** on Thursday after a two month investigation.

[...]

**...was charged with possession of fraudulent identification and manufacturing of fraudulent identification.**

[...]

**...a federal immigration detainer** was filed against ... by Immigration and Customs Enforcement.

- Burlington Times News

# N.C. Media Headlines

## Fayetteville, N.C. – 03/31/09

Cumberland County sheriff's detectives said they have charged an **illegal immigrant from Mexico with sexually inappropriate behavior with a 6-year-old girl.**

[...]

**...charged with first-degree statutory rape, first-degree statutory sex offense and taking indecent liberties with a child.**

[...]

...being held in the Cumberland County Detention Center under a \$100,000 secured bond.

[...]

...also being detained by Immigration Custom Enforcement.

- WRAL News

## Raleigh, N.C. – 06/20/07

A man charged in connection with a **fatal wreck on interstate 40** two weeks ago was **indicted** Wednesday on a federal charge of being an **illegal immigrant.**

...is being held in the Wake County Jail on a \$1.2 million bond. He is charged with DWI, felony death by motor vehicle, two counts of assault with a deadly weapon, no operator's license and careless and reckless driving...

**...attempted to enter the U.S. illegally twice in 2004.**

- WRAL News

# N.C. Media Headlines

**Burlington - 04/07/09**

**A woman charged with the death** of a 43-year-old man killed while riding a motorcycle in downtown Burlington Sunday was cited last summer for driving with no operator's license.

[...]

...who is from Mexico, is allegedly **using an alias** and **is in this country illegally**, received a citation July 11, 2008...

[...]

...pronounced dead on the scene. His 9-year-old son... was taken by helicopter to Duke University Medical Center in Durham...

- Burlington Times News

**Charlotte, N.C. – 08/12/10**

A man living in this country **illegally** is charged with **raping two young girls**.

- WBTV News

**Graham, N.C. – 05/07/08**

A woman who purchased a Texas woman's name and Social Security number to get a job in Alamance County has been charged with **identity theft**.

[...]

"...an **illegal immigrant** from Mexico, advised that she **purchased the name and Social Security number...**"

- Burlington Times News

# State and Local Government Fiscal Outlay on Illegal Aliens (Southern U.S.)

	K-12	LEP	MEDICAID	SCHIP	JUSTICE	WELFARE	GENERAL	TOTAL (Millions)
Alabama	\$159.2	\$27.7	\$26.3	\$6.1	\$18.7	\$21.4	\$38.3	\$298.0
Arkansas	\$129.9	\$26.1	\$19.4	\$4.2	\$17.9	\$16.7	\$29.9	\$244.0
Florida	\$2,780.1	\$559.1	\$530.6	\$129.2	\$578.9	\$317.1	\$567.6	\$5,463.0
Georgia	\$1,453.5	\$217.8	\$265.5	\$52.0	\$194.6	\$77.1	\$138.0	\$2,399.0
Louisiana	\$109.5	\$22.0	\$17.5	\$4.2	\$19.2	\$18.4	\$32.9	\$224.0
Mississippi	\$59.9	\$10.4	\$9.4	\$2.1	\$7.8	\$6.1	\$10.8	\$106.0
<b>North Carolina</b>	<b>\$1,032.4</b>	<b>\$207.6</b>	<b>\$190.5</b>	<b>\$59.5</b>	<b>\$155.4</b>	<b>\$149.7</b>	<b>\$267.9</b>	<b>\$2,063.0</b>
South Carolina	\$221.6	\$44.6	\$30.2	\$7.2	\$28.0	\$21.2	\$37.9	\$391.0
Tennessee	\$231.8	\$49.8	\$53.5	\$14.2	\$41.4	\$55.9	\$100.1	\$547.0
Texas	\$5,089.0	\$1,023.4	\$1,167.5	\$250.7	\$727.9	\$212.9	\$381.2	\$8,878.0
Virginia	\$882.7	\$401.7	\$205.0	\$60.4	\$132.6	\$79.8	\$142.9	\$1,905.0

Courtesy of Federation for American Immigration Reform

# Questions?

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