



Prince William County Government

*Prince William County Police
Department Enforcement of
Federal Immigration Law*

December 2006

Presentation Overview

- Background
- Federal Delegation of Immigration Enforcement Authority
- Federal Memorandum of Understanding
- Police Authority Under Virginia Law
- PWC Police Enforcement Policy
- Considerations
- Recommendations



Background

- Local enforcement of federal immigration laws has become a topic of discussion for jurisdictions in the Northern Virginia area.
- With a significant immigrant population, this is a topic of interest for Prince William County.



Background

Issues That Must Be Examined Include –

- Expectations
- Mission
- Perception
- Resources
- Public Trust
- Training
- Cost
- Jail Population



Federal Delegation of Immigration Enforcement Authority

- The Illegal Immigration Reform and Immigrant Responsibility Act, effective September 30, 1996, added Section 287 (g)
 - Authorizes the Secretary of the U.S. Dept. of Homeland Security to enter into written agreements (MOUs) with state and local law enforcement agencies.
 - Permits certified law enforcement officers to perform select immigration law enforcement functions.



Federal Delegation of Immigration Enforcement Authority

- The 287 (g) Program is generally **designed to identify serious and violent criminal alien violators** involved in violent crimes, human smuggling, gang/organized crime activity, narcotics smuggling, and money laundering for potential deportation.
 - ◆ Not intended for minor nuisance offenses and routine traffic violations.

- Certified local officers work in conjunction with and are **supervised** by ICE agents when exercising immigration authorities.



Federal Memorandum of Understanding

- A Federal Memorandum of Understanding (MOU) defines the scope and limitation of the authority to be designated.
- Trained officers receive official certification from ICE called “287 (g) Authority” after a five-week training program.
- Certified officers may question and detain individuals for potential removal from the United States **if the individuals are identified as criminal illegal aliens who pose a significant threat to national security or public safety.**



Federal Memorandum of Understanding

- Limited number of law enforcement agencies nationwide currently participate in the program.
 - ◆ Currently certified agencies in Alabama, Arizona, California, Florida, and North Carolina are primarily responsible for jail/correctional services.
 - ◆ Few local police agencies are pursuing certification.



Police Authority Under Virginia Law

- Law enforcement officers in Virginia already have authority to arrest illegal aliens under certain conditions.
- Pursuant to Virginia Code Section 19.2-81.6 “Authority of Law Enforcement Officers to Arrest Illegal Aliens” authorizes immigration enforcement when:
 - ◆ The officer confirms that the individual is an alien, illegally present in the U.S., and
 - ◆ Has been previously convicted of a felony in the U.S., and
 - ◆ Was deported or left the U.S. after such conviction.



PWC Police Enforcement Policy

- County Police Department Officers currently notify ICE when a suspected criminal illegal alien is arrested for participation in:
 - ◆ Criminal street gang activity
 - ◆ Organized crime
 - ◆ Violent crime or other major felonies
 - ◆ Any offense where the subject is arrested for using a firearm
- Any further action is at the discretion of the Federal authorities.



PWC Police Enforcement Policy

- County Police and other law enforcement agencies in Northern Virginia already have a strong partnership with ICE and other federal law enforcement agencies.
 - ◆ Northern Virginia Gang Task Force
 - ◆ Prince William / Manassas Vice & Narcotics Task Force
 - ◆ PWC Specialized Gang Unit
- Northern Virginia Gang Task Force currently has more than 300 ICE cases pending against criminal illegal aliens associated with local gangs.



Considerations

- PWCPD Mission

- ◆ Immigration enforcement is a Federal responsibility.
- ◆ Enforcement of state and local laws.

- Public Trust

- ◆ Cultural barriers and fear of cooperation in reporting and assisting the police.



Considerations

- Public Perception
 - ◆ Impartially enforcing the law.

- Unrealistic Expectations
 - ◆ Does not address day laborer issue or overcrowding.
 - ◆ Designed to identify serious and violent immigrant criminal violators.



Considerations

- Existing Resources

- ◆ Expansion of Federal immigration enforcement would further stress existing County resources.

- Jail Overcrowding

- Additional Costs

- ◆ Expenses related to staff time, per diem, travel, training, overtime to backfill, incarceration of criminal illegal aliens would be incurred by County.



Recommendations

- Not proceed with requesting delegation of Federal immigration authority for the Police Department at this time with limited exception of select detectives assigned to local criminal gang task forces.
- Continue to strengthen existing multi-agency partnerships.
- Recommend working with ADC to expand the 287 (g) training to certain staff members. This would facilitate and enhance deportation efforts of criminal illegal aliens in a more cost-effective and efficient manner through shared resources.



Recommendations

- The ADC is evaluating the 287(g) training and certification program for certain ADC personnel. If adopted, the ADC would require full cooperation from ICE in quickly removing the detainees to federal custody.
 - ◆ Requires Jail Board approval.

