

**OFFICE OF PROFESSIONAL RESPONSIBILITY
MANAGEMENT INSPECTIONS UNIT
287(g) PROGRAM REVIEW**

This summary outlines the results of a program review conducted on September 15 – 19, 2008, by the OPR Management Inspections Unit (MIU) of the Maricopa County Sheriff's Office (MCSO) 287(g) Delegation of Authority program. The objective of the review was to assess conformance with conditions of the Memorandum of Agreement (MOA) between Immigration and Customs Enforcement (ICE) and MCSO, and provide management with feedback on the administration of this program by MCSO and the local ICE offices. To accomplish this objective, MIU reviewed all procedures, case files, MCSO jail records; ENFORCE entries and detainee A-files. The team also conducted interviews with the Office of Investigations (OI), the Office of Detention and Removal Operations (DRO), and MCSO management and staff regarding the 287(g) program.

EXECUTIVE SUMMARY

The national 287(g) program is managed by the ICE Office of State and Local Coordination (OSLC). The MCSO program is supervised by the OI and DRO Phoenix field components. Since February of 2007, the MCSO 287(g) program has processed approximately 15,000 illegal aliens, saving ICE considerable resources.

The communications and working relationships between OI, DRO and MCSO are excellent. The OI and DRO supervisors consider the conduct and performance of the MCSO 287(g) officers to be professional and meeting the requirement of the MOA. The MCSO Sheriff stated he would like to have increased federal immigration enforcement authority. The ICE Special Agent-in-Charge (SAC) Phoenix would like to see the MOA amended to further clarify the Law Enforcement Agency (LEA) immigration authority and its reporting requirements to ICE.

The MOA authorizes MSCO to maintain 160 287(g) officers. OSLC has trained 189 MCSO officers, 19 of which are currently inactive. MCSO currently exceeds the authorized number of 287g trained officers. The majority of MCSO 287(g) officers are assigned to the Human Smuggling Unit (HSU), the Community Action Team (CAT), or the 287(g) jail operations. The HSU and the jail operations are not specifically mentioned in the MOA.

The CAT Unit is a catchall term used for all 287(g) deputies, mainly patrol officers, who are not assigned to the HSU or to the jail component. The CAT 287(g) patrol deputies rarely use their authority; most CAT officers rely on the jail officers to determine if someone who has been arrested for state violations may be an illegal alien. If the LEA encounter does not result in an arrest on State charges, the CAT 287(g) officers normally release the individual without attempting to determine if the subject may be an illegal alien.

MIU reviewed defendant case files and MCSO 287(g) jail booking procedures. No deficiencies were found in the procedures area. However, a large percentage of detainees are granted Voluntary Return (VR), when a Notice to Appear (NTA) would be more appropriate. This is attributed to DRO bed space limitations and to the shorter length of time it takes for MCSO 287(g) officers to process a VR instead of a NTA.