

**Lack of Planning Hinders  
Effective Oversight and  
Management of ICE's  
Expanding 287(g) Program**





# DHS OIG HIGHLIGHTS

## *Lack of Planning Hinders Effective Oversight and Management of ICE's Expanding 287(g) Program*

**September 19,  
2018**

### **Why We Did This Inspection**

Under the 287(g) program, U.S. Immigration and Customs Enforcement (ICE) delegates authority to state and local law enforcement agencies to help ICE in its immigration enforcement mission in their jurisdictions. We examined whether ICE is effectively overseeing and managing the 287(g) program as it expands.

### **What We Recommend**

We recommend that ICE address issues with 287(g) program staffing, improve the timeliness of IT equipment delivery to law enforcement agencies, and assess program participant training.

**For Further Information:**  
Contact our Office of Public Affairs at (202) 981-6000, or email us at [DHS-OIG.OfficePublicAffairs@oig.dhs.gov](mailto:DHS-OIG.OfficePublicAffairs@oig.dhs.gov)

### **What We Found**

In the 14 months following the issuance of the January 2017 *Executive Order: Border Security and Immigration Enforcement Improvements*, the number of law enforcement agencies participating in the 287(g) program rose from 36 to 76. ICE approved the 40 additional applicants without planning for a corresponding increase in program management staffing, determining how to promptly deliver needed information technology (IT) equipment to participants, or ensuring participants are fully trained. Specifically, ICE did not analyze program needs to determine how many additional 287(g) program managers should be hired and was not able to hire enough to keep up with the quick expansion. In addition, a lack of IT support staff and a lengthy installation process have hampered prompt delivery and installation of IT equipment that law enforcement agencies in the 287(g) program need to carry out their immigration enforcement-related duties. Finally, ICE may not be training law enforcement officers efficiently and is not monitoring the officers to ensure they complete required training. Approving all new participants without adequate planning has hindered ICE's oversight and management of the 287(g) program and may be affecting participating agencies' ability to assist ICE in enforcing immigration laws and identifying removable aliens.

### **ICE Response**

ICE officials concurred with three of four recommendations and proposed steps to improve 287(g) program staffing and participant training. However, they non-concurred with one recommendation, and we will work with ICE to resolve this recommendation.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

September 19, 2018

MEMORANDUM FOR: Ronald D. Vitiello  
Senior Official Performing the Duties of Director  
U.S. Immigration and Customs Enforcement

FROM: John V. Kelly   
Senior Official Performing the Duties of the Inspector  
General

SUBJECT: *Lack of Planning Hinders Effective Oversight and  
Management of ICE's Expanding 287(g) Program*

Attached for your action is our final report, *Lack of Planning Hinders Effective Oversight and Management of ICE's Expanding 287(g) Program*. We incorporated the formal comments provided by ICE.

The report contains four recommendations aimed at enhancing the 287(g) program's overall effectiveness. Your office concurred with recommendations 1, 2, and 4 and non-concurred with recommendation 3. Based on the information provided in your response to the draft report, we consider recommendations 1, 2 and 4 to be resolved and open and recommendation 3 to be unresolved and open. As prescribed by the Department of Homeland Security Directive 077-01, *Follow-Up and Resolutions for the Office of Inspector General Report Recommendations*, within 90 days of the date of this memorandum, please provide our office with a written response that includes your (1) agreement or disagreement, (2) corrective action plan, and (3) target completion date for recommendation 3. Also, please include responsible parties and any other supporting documentation necessary to inform us about the current status of the recommendation. Until your response is received and evaluated, the recommendations will be considered open and unresolved.

Consistent with our responsibility under the *Inspector General Act of 1978*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Jennifer L. Costello, Chief Operating Officer or John D. Shiffer, Chief Inspector, at (202) 981-6000.



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### Background

Section 287(g) of the *Immigration and Naturalization Act*<sup>1</sup> authorizes U.S. Immigration and Customs Enforcement (ICE) to enter into agreements with state and local law enforcement entities, permitting designated officers to perform immigration law enforcement functions, provided the local law enforcement officers receive appropriate training and function under the supervision of ICE officers.

In 1996, ICE established the 287(g) program under its Enforcement Removal Operations (ERO), by which it enters into partnerships with state or local law enforcement entities through joint Memorandums of Agreement (MOA), which define the scope and limitations of the delegation of authority from ICE to these entities. Under a 287(g) MOA, Designated Immigration Officers (DIO) who have completed the required ICE training are authorized to help ICE fulfill its immigration responsibilities. Specifically, DIOs identify and process aliens charged with or convicted of an offense who are in jail or correctional facilities and are subject to removal from the United States. Processing includes fingerprinting, photographing, and interviewing aliens, as well as the preparing affidavits and taking sworn statements for ICE review. According to ICE, since the 287(g) program began, it has trained and certified more than 1,822 state and local law enforcement officers to enforce immigration laws.

MOAs also establish a structure under which ICE's 287(g) Program Managers (PM) oversee DIOs. According to the MOAs, 287(g) PMs must review and sign off on all paperwork DIOs prepare in processing aliens. Specifically, PMs oversee the issuance of detainers for ICE to take aliens into custody and pursue removal after they have completed their local law enforcement incarceration.

On January 25, 2017, the President issued *Executive Order: Border Security and Immigration Enforcement Improvements*,<sup>2</sup> which directed "executive departments and agencies (agencies) to deploy all lawful means to secure the Nation's southern border, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely." According to the Executive Order, "It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law." To that end, the Executive Order directed the Secretary of Homeland Security "to authorize State and local law enforcement officials ... to perform the functions of immigration officers in

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<sup>1</sup> Also see *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, September 24, 1996; Section 133. Acceptance of state services to carry out immigration enforcement.

<sup>2</sup> Executive Order 13767, January 25, 2017



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relation to the investigation, apprehension, or detention of aliens in the United States....” Following the Executive Order, the number of law enforcement agencies applying to be a part of the ICE 287(g) program increased significantly. In January 2017, ICE had 36 signed MOAs with law enforcement agencies; as of March 2018, ICE had 76 signed MOAs with law enforcement agencies in 20 states.

In this report, we examine whether ICE is effectively overseeing and managing 287(g) program staffing, information technology (IT) installation, and training as the program expands.

### Results of Inspection

In the 14 months following the issuance of the January 2017 *Executive Order: Border Security and Immigration Enforcement Improvements*, the number of law enforcement agencies participating in the 287(g) program rose by more than 100 percent. ICE approved the 40 additional applicants without planning for a corresponding increase in program management staffing, determining how to promptly deliver needed IT equipment to participants, or ensuring participants are fully trained. Specifically, ICE did not analyze program needs to determine how many additional 287(g) program managers should be hired and was not able to hire enough to keep up with the quick expansion. In addition, a lack of IT support staff and a lengthy installation process have hampered prompt delivery and installation of IT equipment that law enforcement agencies in the 287(g) program need to carry out their immigration enforcement-related duties. Finally, ICE may not be training law enforcement officers efficiently and is not monitoring the officers to ensure they complete required training. Approving all new participants without adequate planning has hindered ICE’s oversight and management of the 287(g) program and may be affecting participating agencies’ ability to assist ICE in enforcing immigration laws and identifying removable aliens.

#### Staffing Issues Hinder Expansion and Oversight

As the 287(g) program began expanding, program officials determined they needed additional PMs, but they did not analyze or base their estimate on program needs. Approving additional law enforcement agencies to participate in the program without an increase in PMs required to manage the new agreements burdened the 20 field PMs who were working as of March 2018. The PMs also report to field office management rather than ICE headquarters, which makes it more difficult for them to adequately oversee and manage law enforcement agencies in the 287(g) program.



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### *The 287(g) Program Did Not Base Its Request for Additional Program Managers on an Analysis of Program Needs*

In January 2017, 287(g) program officials requested a budget increase for fiscal year 2018 to hire 26 additional 287(g) personnel. Although ICE has a staffing model for the 287(g) program,<sup>3</sup> program officials did not use it to determine the number of additional PMs needed. In addition, according to the Office of Management and Budget's Circular No. A-11,<sup>4</sup> programs should provide written justification in their budget submission for additional employees, based on the changes in projected workload, strategic planning initiatives, and reengineering efforts. Instead, according to 287(g) program officials, they based the estimated number of PMs needed on their "best guess" of the field support needed to meet the increased demands of the expanding program. ICE's Office of Budget and Program Performance did not submit the program's request for the staffing increase in the FY 2018 Congressional Budget Justification because it lacked sufficient support for the additional staff requested; the justification included funding for only two more personnel to support the 287(g) program.

Without the requested funding for FY 2018, 287(g) program officials told us they reallocated existing resources to hire additional staff to support the 287(g) program. To come up with the number of additional 287(g) personnel, officials reviewed the number of new law enforcement agencies that had joined the program and identified an immediate need for 13 more ICE field personnel to support this program. For FY 2019, the 287(g) program requested funding for a total of 77 287(g) personnel (an increase of 40 personnel compared to FY 2017) without justification for the additional staff. The budget request was still based on officials' "best guess" of program needs. The request was added to the FY 2019 Congressional Budget Justification. As of March 2018, however, not all of the 13 additional personnel had been hired and the budget request for 40 personnel 287(g) was pending congressional approval.

### *287(g) Program Managers Have Difficulty Fulfilling Their Responsibilities*

According to ICE, 287(g) PMs are responsible for the day-to-day management and oversight of law enforcement agencies in the program. The PMs' duties include:

- administering this program by overseeing encounters with aliens that DIOs process;

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<sup>3</sup> ICE developed a staffing model in 2011, which recommended 1 Supervisory Detention and Deportation Officer or Field Program Manager for every 12 DIOs producing 2,000 cases per fiscal year.

<sup>4</sup> Circular No. A-11 Revised, *Preparation, Submission, and Execution of the Budget*, Section 51.1 General Requirements, Office of Management and Budget, July 2017



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- reviewing charging documents that provide the legal basis to initiate alien removal proceedings and supporting evidence that the DIOs prepare for accuracy and legal sufficiency;
- facilitating transfers of aliens from 287(g) sites to ICE custody;
- monitoring compliance by program participants with 287(g) MOAs;
- signing charging documents; and
- reviewing DIOs' training records to ensure compliance with training requirements.

In addition to managing existing partnerships, PMs in the field are also expected to continue outreach to expand the program and to “onboard” each new law enforcement agency.

Both the PMs and ICE field management have raised concerns about the current PMs' ability to effectively manage and oversee 40 new program participants with the same resources at their disposal before program expansion. Some locations have only one PM, who oversees and manages multiple locations. For example, in Houston, Texas, until January 2018, one PM was responsible for 16 newly added law enforcement agencies in an area comprising 13,500 square miles. At three locations we visited, PMs reported working 50–60 hours per week, including weekends, and needing to be on-call 24 hours a day, 7 days a week. One of these PMs reported not being able to take time off even if the individual was sick because PMs must be available to sign charging documents and oversee the issuance of detainers for their assigned locations. An additional PM we interviewed, with an area of responsibility spanning four states and five locations, covering approximately 3,380 miles, reported spending most of the time driving and flying from location to location and completing administrative and clerical tasks instead of managing and overseeing program participants as required. We independently corroborated these reports through site visits, interviews, and document reviews.

### *Program Managers' Reporting Structure Creates Confusion*

The 287(g) program staff consists of a Unit Chief and National PMs at ICE headquarters in Washington, DC, and PMs at ICE field offices who are in close proximity to active program participants. Although the 287(g) Unit Chief is responsible for managing the program and supervising the National PMs, the PMs in the field report to local field office management, not the Unit Chief.

According to field PMs, reporting to Field Office Directors and ICE headquarters for the 287(g) program is confusing and makes management and oversight of participating law enforcement agencies more difficult. Although the PMs report to local field office management, these managers do not directly oversee the 287(g) program as that is the PMs' role. As a result, PMs in the field reported



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that local field management at times assign them other duties and responsibilities outside their role in the 287(g) program as well as concurrent requests and direction from the 287(g) program Unit Chief and National PMs on operational and training requirements.

### **Delays in Installing Needed IT Equipment Affect Participants' Ability to Fulfill 287(g) Program Responsibilities**

ICE's Office of the Chief Information Officer (OCIO) is responsible for providing and installing the IT equipment needed for law enforcement agencies to begin 287(g) program operations. The installation process encompasses multiple steps, which OCIO aims to complete at new locations within 180 days from the date an MOA is signed. However, OCIO does not always meet its 180-day goal — about half of the installations initiated in FY 2017 took more than 200 days. This may be due to the length of the steps in the installation process, insufficient IT staffing, and prioritizing other programs' requests for IT equipment. Failure to install IT equipment in a timely manner impedes law enforcement agencies' ability to actively participate in the 287(g) program.

OCIO's timeline for installation includes several steps. First, for each new 287(g) location, the IT Specialist at ICE headquarters in Washington, DC, must submit a request to OCIO management for IT equipment installation, which then allocates the staff needed to complete the installation locally at each new 287(g) site. In addition, according to ICE's timeline, each new 287(g) location must have an Interconnection Service Agreement<sup>5</sup> signed by the ICE Chief Information Security Officer. Even though these are standardized agreements, requiring this high-level signature adds 30-45 days to the installation process. Next, ICE's process requires the Office of Acquisition Management to obtain bids for the IT equipment requested for each location, which can take up to 120 days to complete. After the bid is obtained then it takes another 30 days for the equipment to be delivered. Several steps in this process could likely be standardized and streamlined.

OCIO does not always complete this already lengthy process in 180 days. During FY 2017 and FY 2018, OCIO initiated and completed IT equipment installations at 24 new 287(g) locations; as of March 2018, it had installed equipment at 22 of these locations. As shown in figure 1, it took OCIO more than 180 days to complete IT installation at more than half of the 22 locations. At one location, it took OCIO 258 days (approximately 8.5 months) from the date to MOA was signed to complete the IT installation. According to OCIO, it has only one dedicated employee to install the IT equipment, and this staffing is insufficient to meet their IT installation 180-day goal. Further, OCIO could not tell us how ICE prioritizes installation requests for new 287(g) program

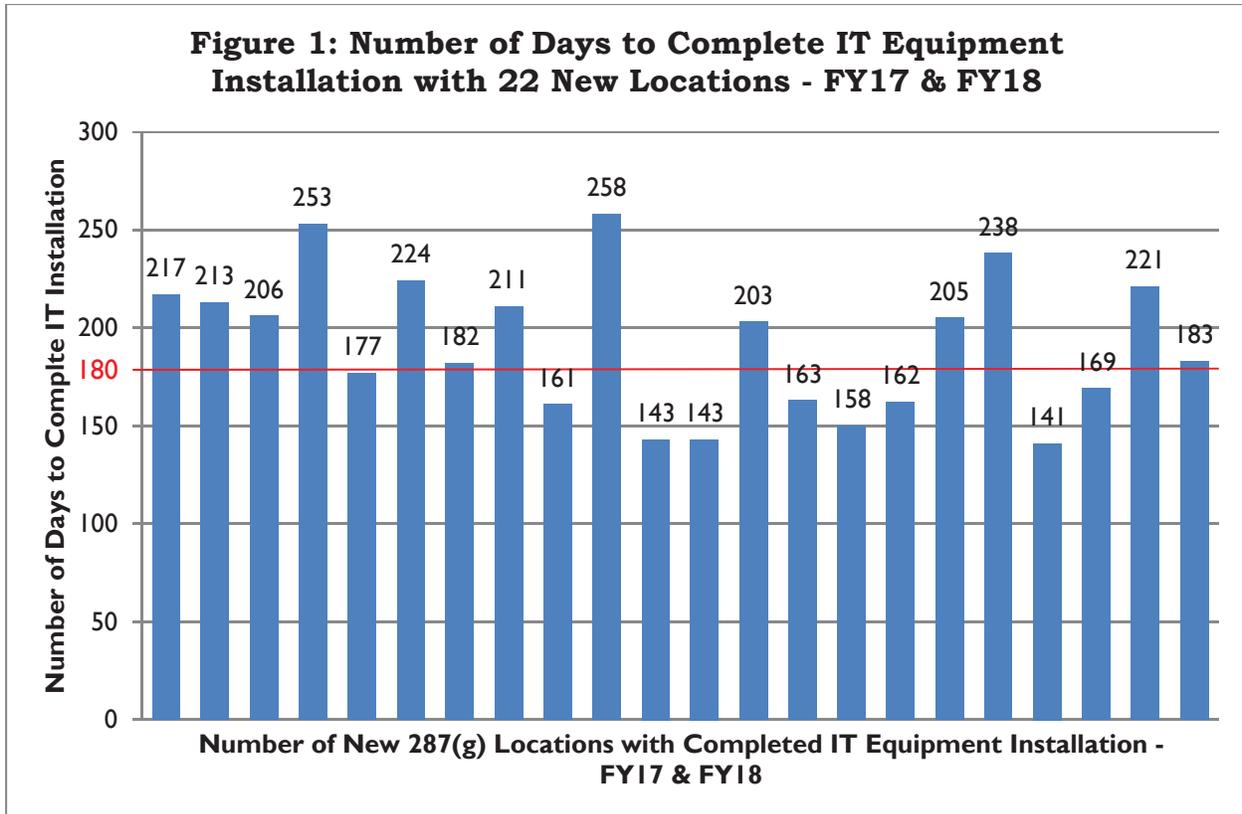
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<sup>5</sup> An Interconnection Service Agreement describes the rules and responsibilities of IT usage by all parties involved, including ICE and local Law Enforcement Agencies.



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locations with requests from other ICE programs, which could also be adding time to the process.



Source: ICE OCIO Office

DIOs at law enforcement agencies need IT equipment provided by ICE to process aliens, which includes checking multiple ICE systems (for example, for criminal histories) and photographing and fingerprinting individuals. Therefore, delays in installing this necessary IT equipment impact the start of program operations. For example, delays in equipment installation prolonged the onboarding of 16 new locations in Houston, Texas, the area with the largest 287(g) program expansion. These 16 local law enforcement agencies<sup>6</sup> joined the program between January 2017 and January 2018. Three new participants signed agreements with ICE in June 2017 and July 2017, but as of early April 2018 they did not have IT equipment installed. Another participant signed an agreement with ICE in January 2018 but was not expected to have IT equipment installed until June 2018. The remaining 12 new local law enforcement agencies in the Houston area also had lengthy installation processes, and two had just recently begun processing aliens.

<sup>6</sup> The 16 local law enforcement agencies in this area cover about 13,500 square miles.  
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Delays in installing IT equipment also affect other aspects of law enforcement agencies' participation in the 287(g) program. DIOs need to access ICE systems to complete required training and to keep their access credentials current. In addition, all DIOs receive a security card to access ICE IT systems, and they must use their cards to log into DHS systems every 30 days to maintain access. Without the IT equipment, DIOs have no way to log into DHS systems and, as a result, many DIOs' security cards have been deactivated. This also creates additional work for the 287(g) PMs who must get cards reactivated and get DIOs access to DHS systems once the IT equipment is installed.

### **Training of DIOs May Be Delayed and ICE Is Not Monitoring All Training to Ensure It Is Completed**

ICE requires initial in-person training, as well as refresher in-person and online training for DIOs to maintain their certification and credentials. However, ICE does not use its full training capacity to ensure DIOs are able to complete an initial 4-week basic training program without delays. ICE also does not monitor DIOs to make certain they are completing required online recertification training. As a result, ICE cannot be assured DIOs in the 287(g) program have the necessary training to be competent and capable of carrying out their delegated immigration duties.

As the 287(g) program continues to expand, training capacity will also need to increase to handle new participants. ICE estimates that it will grow from 212 DIOs in the first quarter of FY 2017 to 374 DIOs in the second quarter of FY 2018, about a 76 percent increase in just over 1 year. Nevertheless, the Federal Law Enforcement Training Center (FLETC) in Charleston, South Carolina, does not offer the required initial training for the 3 months of the first quarter of the fiscal year, which delays the training and credentialing necessary for DIOs to execute their 287(g) responsibilities. ICE cited concerns about funding the travel expenses for law enforcement officers as the basis for not providing training in the first quarter.

ICE also requires DIOs to take a 1-week refresher training program every 2 years at FLETC. Some local law enforcement officials in the program have asked that refresher training be held regionally because sending personnel to South Carolina can burden their staff. The 287(g) program management indicated that it is reviewing the possible expansion of its refresher training capabilities outside of South Carolina.

DIOs are recertified through internet-based training in DHS' Performance and Learning Management System (PALMS). To maintain their credentials, DIOs must complete annual online training in PALMS on security, immigration



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authorities, human trafficking, and other immigration-related topics.<sup>7</sup> Although the 287(g) program management has provided guidance for online training requirements,<sup>8</sup> it is not monitoring DIOs to ensure they are completing the online courses, nor did it revoke DIOs' authority as required by ICE policy.<sup>9</sup> Finally, ICE has not provided alternative training or a requirement waiver for training no longer available in PALMS.

The 287(g) Unit Chief said PMs in the field were ultimately responsible for ensuring DIOs have completed required online training. However, PMs we spoke to did not know how to monitor the DIOs' online training, and the supporting training officers were unaware they were responsible for supporting the 287(g) program and were only overseeing ICE staff. As a result, DIOs' online training records are not always reviewed to ensure they are completing the necessary online training to maintain their credentials.

### Conclusion

After the Executive Order was issued, the 287(g) program expanded quickly without the necessary field staff and IT support to ensure effective program oversight and efficient implementation of necessary equipment. Without effective oversight, it is difficult to monitor and measure performance to determine whether program participants are assisting ICE in its immigration enforcement mission. Further, without the necessary equipment and training, program participants may not be acting as a force multiplier to identify removable aliens. ICE may also not be able to fully expand the program and include new localities interested in participating.

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<sup>7</sup> Classes in PALMS required to maintain DIO certification include:

- *Immigration and Nationality Act* overview
- Immigration fundamentals
- Human trafficking awareness
- Information awareness
- Basic records management
- Privacy awareness
- Operations security
- ICE language access when encountering limited English-proficient individuals

<sup>8</sup> *Enforcement and Removal Operations Annual Verification of Designated Immigration Officers' Recertification of Delegated 287 (g) Authority*, ERO 13004.1, February 24, 2012 and *Annual Verification of Designated Immigration Officers' Recertification of Delegated 287 (g) Authority*, ERO 13004.2, July 5, 2017

<sup>9</sup> *Annual Verification of Designated Immigration Officers' Recertification of Delegated 287 (g) Authority*, ERO 13004.2, July 5, 2017



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## **Recommendations**

We recommend the Director of ICE:

**Recommendation 1:** Develop and execute a staffing plan to identify the resources necessary to support the expansion of the 287(g) program.

**Recommendation 2:** Develop a reporting structure for the 287 (g) program that clearly defines the reporting structure for field program managers.

**Recommendation 3:** Develop an IT Installation and infrastructure plan in coordination with the Office of the Chief Information Officer to identify efficiencies to reduce the installation timeline.

**Recommendation 4:** Develop a 287(g) training strategy for DIOs including:

- Assess expanding options for conducting refresher training in addition to FLETC.
- Assess training capacity including use of FLETC year round for training.
- Develop a training plan to ensure DIOs have completed required online training to maintain their certification.

## **Management Comments and OIG Analysis**

ICE concurred with three of four recommendations. Appendix A contains a copy of ICE's management comments in their entirety. We also received technical comments and incorporated them in the report where appropriate. We consider recommendations 1, 2, and 4 to be resolved and open. We consider recommendation 3 unresolved and open. A summary of ICE's responses and our analysis follows.

**ICE Response to Recommendation 1:** ICE concurred with this recommendation. ICE will develop a new staffing plan based on present-day enforcement, oversight, logistics, and training needs. Further, ICE plans to add additional oversight positions to appropriately oversee 287(g) program activities and streamline current reporting and administrative requirements. ICE anticipates these actions to be completed by April 30, 2019.

**OIG Analysis:** We consider these actions responsive to this recommendation, which is resolved and open. We will close this recommendation when we receive sufficient evidence that ICE has fully implemented these corrective actions.



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**ICE Response to Recommendation 2:** ICE concurred with this recommendation. ICE will revisit ERO Policy Number 11152.01 “Field Oversight of the 287(g) Program” to assess the provisions for field personnel and identify needed changes to clearly define this reporting structure. ICE anticipates these actions to be completed by April 30, 2019.

**OIG Analysis:** We consider these actions responsive to this recommendation, which is resolved and open. We will close this recommendation when we receive sufficient evidence that ICE has fully implemented these corrective actions.

**ICE Response to Recommendation 3:** ICE non-concurred with this recommendation. ICE indicated that it has resources for managing and overseeing the deployment of IT equipment. ICE also outlined the process it uses for the IT installation in 287 (g) locations. The process includes four steps to complete the IT installation. ICE requested that its current process should resolve and close this recommendation.

**OIG Analysis:** We consider this recommendation unresolved and open. We continue to recommend that ICE, in coordination with the Office of the Chief Information Officer, review and identify efficiencies in the installation of the IT equipment, including reducing how long it takes ICE to sign IT agreements with localities and streamlining the contracting process to purchase equipment for localities. ICE needs to ensure that IT equipment is properly installed in a timely manner. We will resolve this recommendation when we receive a corrective action plan that improves the efficiency of the ICE IT installation process.

**ICE Response to Recommendation 4:** ICE concurred with this recommendation. ICE completed an assessment of its expansion options for refresher training, but has declined to move away from a centralized training model. ICE found that centralizing 287(g) training increases the consistency and allows DIOs to share best practices. Centralized training has also allowed the use of scenario-based training using actual ICE database systems, fingerprint scanners, and role players with whom the students train. For these reasons, ICE determined that the benefits of this training centralization are advantageous and would be difficult to replicate given the variations, inconsistencies, and limitations experienced from exported training. ICE has agreed to complete the other two corrective actions outlined in the recommendation including training capacity and training plan. ICE will assess their training capacity to include the use of FLETC year round for training and develop a training plan to ensure DIOs have completed required online training to maintain their certifications. ICE anticipates these actions to be completed by April 30, 2019.



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**OIG Analysis:** We consider these actions responsive to this recommendation, which is resolved and open. We will close this recommendation when we receive sufficient evidence that ICE has fully implemented these corrective actions.

### Objective, Scope, and Methodology

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*.

Our objective was to determine whether ICE had effective management and oversight of the 287(g) program as this initiative expanded. We conducted our fieldwork between August 2017 and April 2018. During this review we visited the ICE ERO Headquarters in Washington, DC; ICE ERO Field Office in Charlotte, NC; ICE ERO Field Office in Phoenix, AZ; ICE ERO Field Office in Houston, TX; and selected 287(g) local law enforcement agencies in these geographic areas. We interviewed relevant ICE (including ERO, OCIO, and Office of Professional Responsibility), FLETC, Office for Civil Rights and Civil Liberties, and local law enforcement agency personnel (including Sheriffs and DIOs). We analyzed ICE's available 287(g) program policies and procedures, MOAs, staffing, budgetary and alien encounters information, IT deployments, training, internal oversight, and relevant media articles.

We conducted this review under the authority of the *Inspector General Act of 1978*, as amended, and according to the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

The Office of Inspections and Evaluations' major contributors to this report are John Shiffer, Chief Inspector; Tatyana Martell, Chief Inspector; Stephanie Christian, Lead Inspector; Michael Brooks, Senior Inspector; Ryan Nelson, Senior Inspector; Ian Stumpf, Inspector; Kelly Herberger, Communications and Policy Analyst; and Marybeth Dellibovi, Independent Referencer.



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**Appendix A**  
**Management Comments to the Draft Report**

*Office of the Chief Financial Officer*

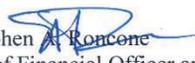
U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, D.C. 20536



**U.S. Immigration  
and Customs  
Enforcement**

August 7, 2018

MEMORANDUM FOR: John V. Kelly  
Acting Inspector General  
Office of the Inspector General

FROM:   
Stephen A. Roncone  
Chief Financial Officer and  
Senior Component Accountable Official

SUBJECT: Management's Response to OIG Draft Report: "Lack of Planning  
Hinders Effective Oversight and Management of ICE's Expanding  
287(g) Program" (Project No. 17-120-ISP-ICE)

Thank you for the opportunity to review and comment on this draft report. U.S. Immigration and Customs Enforcement (ICE) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

ICE also appreciates the OIG acknowledging that the number of law enforcement agencies participating in the 287(g) program rose by more than 100 percent in the 14 months following the issuance of the January 2017 *Executive Order: Border Security and Immigration Enforcement Improvements*. We remain committed to strengthening its 287(g) Program, which enhances the safety and security of communities by partnering with state and local law enforcement agencies to identify and remove criminal aliens. These include dangerous and often recidivist criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society.

The draft report contained four recommendations, three with which ICE concurs and one with which it non-concurs. Attached find our detailed response to each of the recommendations. Technical comments were previously provided under separate cover.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact us if you have any questions. We look forward to working with you again in the future.

Attachment

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### Attachment: Management Response to Recommendations Contained in 17-120-ISP-ICE

OIG recommended that the Acting Director of ICE:

**Recommendation 1:** Develop and execute a staffing plan to identify the resources necessary to support the expansion of the 287(g) Program.

**Response:** Concur. The previous staffing structure for the Enforcement Removal Operations 287(g) Program utilized geographically placed Field Program Managers (FPMs) and Supervisory Detention and Deportation Officers to provide program oversight and signatory authority for charging documents. Currently, the 287(g) Program is monitoring trends in interest, production, and staffing needs to more effectively manage resources necessary to support expansion. In preparation for continued expansion, ERO will incorporate these trends and develop a new staffing plan based on present-day enforcement, oversight, logistics, and training needs. Additional oversight positions are required to appropriately oversee 287(g) Program activities and to streamline current reporting and administrative requirements. Estimated Completion Date (ECD): April 30, 2019.

**Recommendation 2:** Develop a reporting structure for the 287(g) Program that clearly defines the reporting structure for Field Program Managers.

**Response:** Concur. The ERO 287(g) Program has a reporting structure regulated by ERO Policy Number 11152.01, "Field Oversight of the 287(g) Program." ERO will revisit this policy to assess the provisions for a reporting structure for FPMs. The 287(g) Program will identify needed changes and pursue improvements to more clearly define this reporting structure. ECD: April 30, 2019.

**Recommendation 3:** Develop an IT Installation and infrastructure plan in coordination with the Office of the Chief Information Officer [OCIO] to identify efficiencies to reduce the installation timeline.

**Response:** Non-Concur. The ICE OCIO has dedicated 287(g) resources responsible for managing and overseeing the deployment of equipment at new and existing 287(g) locations. Both federal and contracted personnel are available to assist in the deployment process. Several tasks, requiring extensive coordination between various ICE entities, Verizon, and the law enforcement agency (LEA), must be completed before equipment can be deployed to a site in accordance with a signed 287(g) partnership Memorandum of Agreement (MOA). Ordering the equipment is the only part of the process managed and controlled solely by ICE.

Specific tasks include:

- 1) Interconnection Service Agreement (ISA) Signing – The signed ISA gives OCIO the authority to establish network connectivity between ICE and the LEA. This process requires the participation of the 287(g) FPM, OCIO, U.S. Citizenship and Immigration



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Services, and the LEA. ISA completion should occur no later than 180 days after signing of the MOA.

- 2) Purchase of Information Technology (IT) Equipment – Purchase of the IT equipment requires support from 287(g) FPM, OCIO, and the Office of Acquisition Management (OAQ). Purchase of the equipment is authorized once the ICE Director authorization is approved, which establishes the requirement to outfit the LEA site. In some instances, equipment may be available to outfit the LEA site; however, deployment of the equipment is not authorized until the ISA is completed. OAQ, to promote open and fair competition under 48 CFR, Federal Acquisition Regulation Systems, requires 120-days to establish a Purchase Agreement and deliver the equipment.
- 3) Installation of the T1 Router – Verizon is contracted to install T1 routers for the entire DHS community nationwide. This task requires the support of Verizon and the LEA. OCIO submits the work order to Verizon who prioritizes the assignment. Verizon is contracted to provide this work to the community, not just ICE. Verizon sub-contracts this work to local vendors to cover its entire customer base, which includes the LEAs, and has 90 days to complete the work.
- 4) Installation of Equipment – Upon completion of tasks 1-3 above, OCIO coordinates connectivity of the equipment with the LEA and 287(g) FPM to establish operational capability within 30 days.

We request the OIG consider this recommendation resolved and closed, as implemented.

**Recommendation 4:** Develop a 287(g) Training Strategy for Designated Immigration Officers (DIOs) including:

- Assess expanding options for conducting refresher training in addition to Federal Law Enforcement Training Center (FLETC).
- Assess training capacity including use of FLETC year-round for training.
- Develop a training plan to ensure DIOs have completed required online training to maintain their certification.

**Response:** Concur. The ICE 287(g) Program Management Office, as discussed with the OIG, assessed expanding options for refresher training, but declined to move away from a centralized training model. We are moving forward on the last two parts of the OIG's recommendation.

The Immigration Authority Delegation Program was initially designed as an export training class, which was held at or near the facilities of the new 287(g) partner organizations. The export training was not always consistent, as training space and resources varied considerably. It was highly dependent on lecture, which is less effective than other instructional methods. Also, the student's local workplace often disrupted the training by assigning students to cover routine duties. By centralizing 287(g) training, consistency of training has increased, and training methodology now includes scenario-based training using actual ICE database systems, fingerprint scanners, and role players with whom the students train. The centralization of training also gives the DIO an opportunity to discuss best practices with other students and other



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ERO Program Managers from outside their area. The benefits of centralization are advantageous to ICE and would be difficult to replicate given the variations, inconsistencies, and limitations experienced from exported training.

Also, ERO previously assessed the training capacity as part of the 287(g) training strategy for DIOs. The ERO Academy in Charleston, South Carolina has discussed potential surges with FLETC for year-round training. The Charleston site can operate simultaneously two 287(g) classes, either basic or refresher. Furthermore, additional sites have been inspected should an increase in training requirements exceed capacity at the ERO Academy in Charleston, South Carolina.

The 287(g) Program Management Office completed an annual training assessment to determine the number of Immigration Authority Delegation Program (IADP) and Immigration Authority Delegation Refresher Program (IADRP) classes to be held during fiscal year 2019. The methodology for each class type is shown below:

- 1) IADP – Incoming state and local officers attend the IADP course upon receiving an initial favorable adjudication from the Office of Professional Responsibility’s Personnel Security Unit. The number of incoming officers is estimated from state and local agencies pending approval to partner with ICE or, if no applications are pending, Program Advisory Board approval. Then, the standard is that a minimum of two IADP courses are scheduled.
- 2) IADRP – DIOs attend the IADRP course bi-annually in accordance with the 2-year training mandate as defined in the 287(g) partnership MOA. A consolidated list of attendees using class rosters from 2-years prior to the current fiscal year is utilized to determine the training volume. Class sizes are typically comprised of 24 students as the optimum class size, but the size can increase or decrease as necessary. The training volume is divided by the class size to determine the number of classes that will be scheduled for the upcoming fiscal year.

Lastly, it is important to note that a Technical Procedural Update (TPU) was issued on July 5, 2017, by the 287(g) Program Management Office. It directed the FPMs to ensure DIOs complete required training on ICE’s Performance and Learning Management System (PALMS) website. Section 4.4.1-4 of the TPU requires:

- 1) Verifying the DHS PALMS administrative records before the end of each fiscal year for the course completion status of DIOs within their respective areas of responsibility, and reminding those DIOs who have not yet completed the course requirements of the fiscal year-end deadline;
- 2) Maintaining records of DIO’s recertification course completion certificates;
- 3) Notifying the 287(g) Unit of those DIOs who have failed to complete recertification by the fiscal year-end deadline and carrying out suspension procedures; and



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- 4) Carrying out revocation procedures for DIOs who have failed to complete recertification within 90 days of their suspension, unless Field Responsible Officials grant a waiver.

The 287(g) Program will develop a supplemental training plan consistent with the TPU to ensure this procedure is closely monitored for accessibility and execution by FPMs and DIOs. ECD: April 30, 2019.



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