



THE TEXAS LAW ENFORCEMENT TOOLBOX:

STRATEGIES FOR POLICING ILLEGAL IMMIGRATION AND RELATED CRIME BEYOND THE BORDER

287(G)

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g) to the Immigration and Nationality Act. This authorizes the director of ICE to enter into agreements with state and local law enforcement agencies that permit designated officers to perform limited immigration law enforcement functions. Agreements under Section 287(g) require the local law enforcement officers to receive appropriate training and to function under the supervision of ICE officers.

Deputized officers have the authority to interview individuals in order to ascertain their immigration status and check the DHS databases for information on individuals.

These officers can issue immigration detainers to hold individuals until ICE takes custody, enter data into ICE's database and case management system, issue a "Notice to Appear," and make recommendations for voluntary departure in place of formal removal proceedings. Officers can also make recommendations for detention and immigration bonds and transfer noncitizens into ICE custody. This is a broad set of tools for officers to use in dealing with illegal aliens.

Texas lawmakers should enact legislation requiring all Texas law enforcement agencies to participate in the 287(g) program.

REQUIRING LAW ENFORCEMENT TO TRACK AND REPORT CRIMINAL ILLEGAL ALIEN DATA

Many challenges exist when policing illegal aliens in Texas communities, including lack of accurate data. Based on the discrepancies and lack in reporting about crimes, law enforcement severely struggle to record an accurate number of offenses committed by illegal aliens. Accuracy in both crime data and personal identifiers would certainly make crime statistics more accurate and the job of identifying suspects easier.

Currently, law enforcement in Texas does not have to inquire about the legal status of someone they stop, detain, or arrest, even if they suspect the person is in the country illegally. Requiring law enforcement to do so would empower them to help the federal government fulfill its responsibility and potentially catch dangerous illegal aliens who have entered the country undetected.

Texas jails must make an effort to investigate the arrestee's immigration status after taking custody of them, if the arresting officer is unable to do so. Further, jails must be required to regularly report the immigration status of the inmates, their country of origin, their crimes, and how many Texas law enforcement has transferred to ICE custody.