

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

307



FROM: Bob Doyle, Sheriff-Coroner-PA

SUBMITTAL DATE:
02/16/06

SUBJECT: Approval of a Memorandum of Understanding with the U.S. Department of Homeland Security Authorizing the Sheriff's Department to Assist in Immigration Enforcement

RECOMMENDED MOTION: Move that the Board of Supervisors approve the Memorandum of Understanding (MOU) between the County and the U.S. Department of Homeland Security under which U.S. Immigration and Customs Enforcement (ICE) will train County Sheriff's Department personnel in the application of immigration laws, and authorize the Chairperson and Sheriff to sign the MOU on behalf of the Board.

BACKGROUND: Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-276, authorizes the Secretary of the Department of Homeland Security, acting through the Under Secretary for Border and Transportation Security, to enter into written agreements with a State or any political subdivision of a State so that qualified personnel can perform certain functions of an immigration officer. This MOU outlines the performance specifications for Riverside County Sheriff's personnel to provide assistance to enforce immigration laws in the County jail facilities.

Departmental Concurrence

BR 06-073 (Continued on Page 2)

Janis Conklin for
Bob Doyle, Sheriff-Coroner-PA

FINANCIAL DATA	Current F.Y. Total Cost:	N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$465,000	For Fiscal Year:	FY 2006-07

SOURCE OF FUNDS: Departmental funds	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature *Sally A. Pearson*

- Dept't Recomm.: Consent
- Per Exec. Ofc.: Consent
- Policy
- Policy

Prev. Agn. Ref.: | District: All | Agenda Number:

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

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RECEIVED RIVERSIDE COUNTY
JAN 20 2006

Per the MOU, at the County's expense, in what is commonly referred to as a 287G program, Sheriff's Correctional Deputies will assist ICE in its efforts to identify and investigate criminal illegal aliens. This assistance will include interrogation of persons believed to be aliens and completion of required criminal alien processing. The criminal processing will entail obtaining sworn statements, photos and fingerprints and the preparation of affidavits. Once identified as illegal immigrants and their local charges adjudicated, these inmates will be released to ICE and sent back to their country of origin. Criminal illegal immigrants would no longer be allowed to commit crimes, bail out, cite out or receive an "O.R." (own recognizance) release and avoid deportation. If they return to the United States and are once again jailed, they can now be charged with a federal crime and brought before a federal magistrate for a hearing; the outcome could be several months in federal prison and thereby enforcing a real deterrent for illegal entry into the United States.

Approval of the MOU at this time enables the Sheriff and ICE staff to nominate and certify Department personnel to enter four weeks of program training. If the County does not commit to May 2006 training sessions, ICE staff will be unable to offer training sessions until midway through the next fiscal year. The Sheriff will further explain the particulars of the program and cite the merits of its implementation for the Board during his annual budget presentation. Either the County or the Department of Homeland Security may terminate this MOU at any time with written notice. Further, either party may temporarily suspend activities when resource constraints or competing priorities make program continuance a hardship. County Counsel has approved the MOU as to form.

Initially, the program is proposed for operation at the Robert Presley Detention Center. To provide this service 12 hours daily at the Center, the Department estimates it will require 7 additional Correctional Deputy IIs. The Department will also need to purchase computers, printers and a dedicated T-1 line. Based on the program starting in September 2006, the Department estimates the program cost to total \$465,000 in FY 2006-07.