

GAO@100 Highlights

Highlights of [GAO-21-186](#), a report to the Chairman, Committee on Homeland Security, House of Representatives

Why GAO Did This Study

The 287(g) program authorizes ICE to enter into agreements with state and local law enforcement agencies to assist with enforcing immigration laws. The program expanded from 35 agreements in January 2017 to 150 as of September 2020.

GAO was asked to review ICE's management and oversight of the program. This report examines (1) the extent to which ICE has developed performance goals and measures to assess the 287(g) program; (2) how ICE determines eligibility for 287(g) program participation and considers program resources; and (3) how ICE conducts oversight of 287(g) program participant compliance and addresses noncompliance. GAO reviewed ICE policies and documentation, and interviewed officials from ICE headquarters and field offices. GAO also interviewed 11 LEAs selected based on the type of 287(g) agreement, length of participation, and facility type (e.g. state or local). While not generalizable, information collected from the selected LEAs provided insights into 287(g) program operations and oversight of program participants. GAO analyzed data on 287(g) inspection results and complaints from fiscal years 2015 through 2020.

What GAO Recommends

GAO recommends that ICE (1) establish performance goals and related performance measures; (2) assess the 287(g) program's composition to help leverage its resources and optimize program benefits; and (3) develop and implement an oversight mechanism for the WSO model. DHS concurred with the recommendations.

View [GAO-21-186](#). For more information, contact Rebecca Gambler at (202) 512-8777 or GamblerR@gao.gov.

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IMMIGRATION ENFORCEMENT

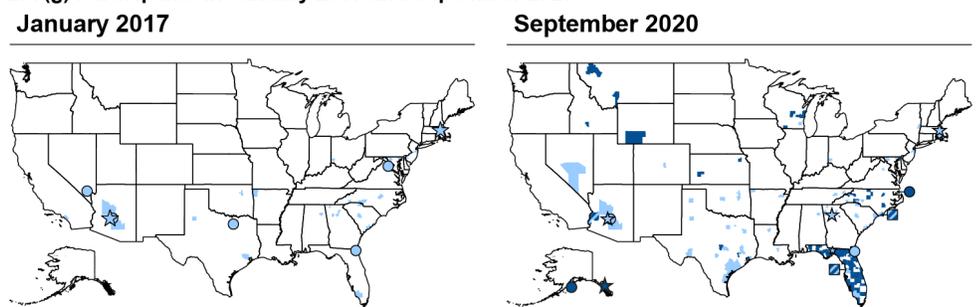
ICE Can Further Enhance Its Planning and Oversight of State and Local Agreements

What GAO Found

Within the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) met its goal to expand the 287(g) program. However, ICE has not established performance goals that cover all program activities, such as ICE's oversight of its law enforcement agency (LEA) partners, or measures to assess the program's performance, such as the percentage of LEA partners in compliance with annual training requirements. As a result, ICE is not well-positioned to determine the extent to which the program is achieving intended results.

ICE considers a number of factors, such as LEAs' capability to act as an ICE force multiplier, when reviewing their suitability to join the program; however, ICE has not assessed how to optimize the use of its resources and program benefits to guide its recruitment of future 287(g) participants. For example, ICE has two models in which LEAs can participate with varying levels of immigration enforcement responsibilities. In the Jail Enforcement Model (JEM), designated state or local officers identify and process removable foreign nationals who have been arrested and booked into the LEA's correctional facility, whereas in the Warrant Service Officer (WSO) model, the designated officers only serve warrants to such individuals. However, ICE has not assessed the mix of participants for each model that would address resource limitations, as each model has differing resource and oversight requirements. By assessing how to leverage its program resources and optimize benefits received, ICE could approach recruitment more strategically and optimize program benefits.

287(g) Participants in January 2017 and September 2020



Legend
 Jail Enforcement model
 Warrant Service Officer model
 Statewide agency
 City agency

Source: GAO analysis of U.S. Immigration and Customs Enforcement information. | GAO-21-186

ICE uses a number of mechanisms to oversee 287(g) JEM participants' compliance with their agreements, such as conducting inspections and reviewing reported complaints. However, at the time of GAO's review, ICE did not have an oversight mechanism for participants' in the WSO model. For example, ICE did not have clear policies on 287(g) field supervisors' oversight responsibilities or plan to conduct compliance inspections for WSO participants. An oversight mechanism could help ICE ensure that WSO participants comply with their 287(g) agreement and other relevant ICE policies and procedures.