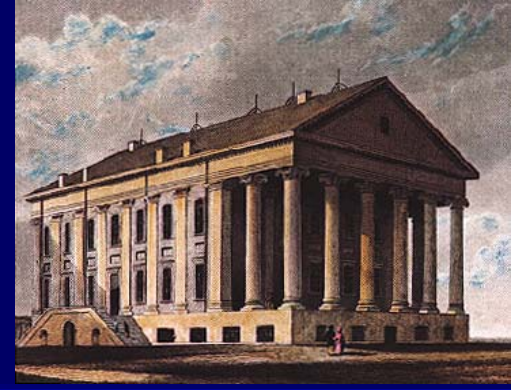




Virginia State Crime Commission

Implementation of the
Illegal Immigration Task Force
Recommendations

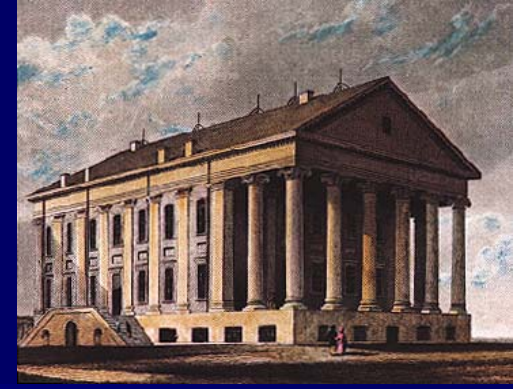
December 13, 2007



Resolution

Recommendation 1

Recommendation 1



■ Resolution

- Immigration law is the responsibility of the federal gov't.,
- Federal law preempts most state measures,
- The federal gov't. has failed to address the issue, and
- The limited state and local measures that are not preempted will be of limited effect unless and until I.C.E. is provided with the resources needed to do its job.



Data Collection and Reporting

Recommendations
2, 3, 4, 6 and 14

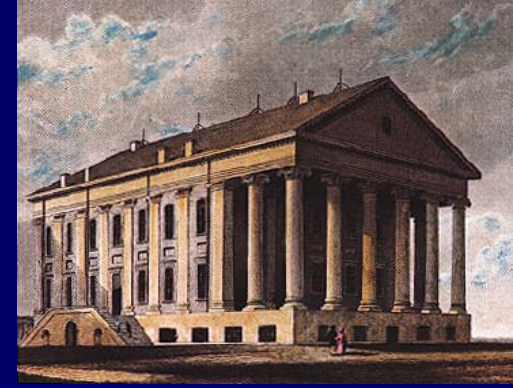
Recommendation 14



■ Inquiry into Immigration Status and Reports to I.C.E.

- Amend VA Code § 53.1-218 to require direct reporting to I.C.E.'s LESC of any inmate who 1) was born in another country, and 2) is a citizen of another country, or for whom this information is not known and, further, to require that confirmation of the inmate's immigration status be requested.
- The jailer must inquire as to the country of birth and citizenship of every inmate.

Recommendations 2 and 3



■ Local Inmate Data System

- Include a field requiring confirmation from I.C.E. on the immigration status of any inmate who 1) was born in another country, and 2) is a citizen of another country, or for whom this information is unknown.

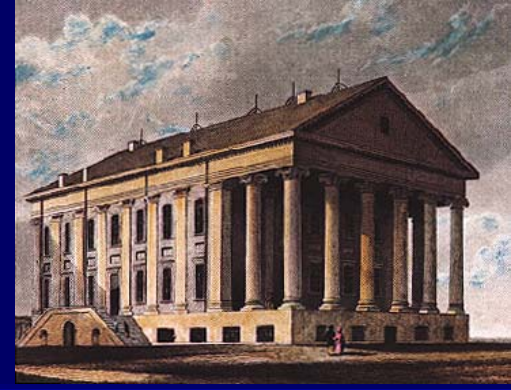
■ Department of Corrections

- Include a field requiring confirmation from I.C.E. on the immigration status of any inmate who 1) was born in another country, and 2) is a citizen of another country, or for whom this information is unknown.

Recommendations 4 and 6



- Department of Corrections – SSN
 - DOC should verify the validity of inmates' social security numbers and omit from its records those discovered to be false.
- Cross Check LIDS Data Against NCIC/LESC
 - The information within LIDS for all inmates currently in jails should be cross checked against the illegal immigrant databases of the NCIC and the LESC.



Admission to Bail

Recommendation

13

Recommendation 13



■ Presumption Against Bail

- Amend VA Code § 19.2-120 to include illegal immigrants charged with a state crime, or for whom a federal warrant is outstanding, among those for whom there exists a presumption against bail, unless and until notification is received from I.C.E. that it does not plan to detain the individual. Upon such notification being received, the presumption shall no longer exist.



Education and Training

Recommendations
7, 8, 9, and 15

Recommendation 7



■ Bridging the Language Barrier

- Law enforcement agencies should enhance their ability to overcome language barriers with immigrant communities by arranging for law enforcement officers to be trained in different languages and cultures within their jurisdiction and by hiring more multi-lingual personnel.
- The Department of Criminal Justice Services should partner with community organizations, such as the Hispanic Chamber of Commerce, to provide language training at no cost to the officer and to explore the possibility of tuition assistance or grant opportunities for officers who seek to earn language degrees at community colleges.

Recommendation 8



■ Education for Immigrant Communities on Laws, Regulations, and Safety

- Law enforcement agencies, state and local governmental agencies, and community organizations should work together to educate immigrant communities on laws, regulations and safety issues relevant to immigrant communities.

Recommendation 9

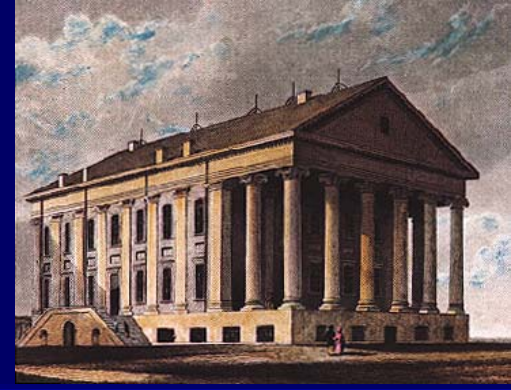


- Building Relationships Between Law Enforcement and Immigrant Communities
 - Law enforcement agencies should build stronger working relationships with immigrant communities by working to establish trust through crime prevention programs, neighborhood watch programs, citizen police academies, community outreach events, and community information meetings.

Recommendation 15



- Training for Jail and Prison Officers
 - Clarify the requirements of VA Code § 53.1-218 to ensure that officers responsible for intake and detention of inmates at jails and prisons receive training on the detection of illegal immigrants coming into the criminal justice system.



Per Diem Reimbursement and Funding for Construction

Recommendation

16

Recommendation 16



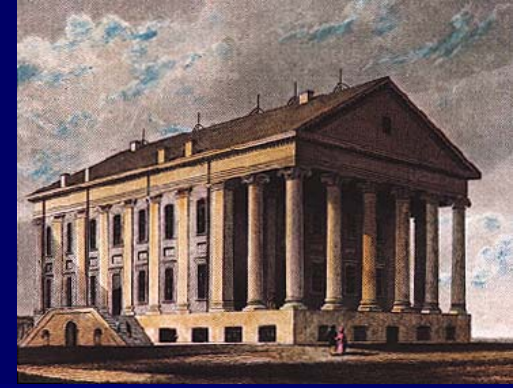
- Reimbursement Rates Received from I.C.E. for Use of Bed Space and Funding for Construction
 - Any sheriff or regional jail administrator who holds an illegal immigrant, nonimmigrant, or legal permanent resident on behalf of the federal government and who, in doing so, is entitled to per diem reimbursement, shall be entitled to 100% of the reimbursement received from the federal government.
 - The Commonwealth should fund new construction of extra bed space at a rate of 50%, rather than the current 25%.



General Recommendations

Recommendations
5, 10, 11 and 12

Recommendation 5



■ Data of Immigration & Customs Enforcement

- Ask I.C.E. to maintain data on:
 - The # of inquiries made by state and local law enforcement agencies to its L.E.S.C.,
 - The # of these inquiries that are found to be illegal immigrants, legal permanent residents, nonimmigrants, etc.,
 - The # of detainers issued for those found to be illegal immigrants, and
 - The # of deportations that result from the detainers issued.
- I.C.E. should provide the data to Virginia upon request.

Recommendation 12



■ Offenses Triggering Response by I.C.E.

- The Crime Commission should work with I.C.E. to develop a list of offenses which, if committed by an illegal immigrant, will guarantee that I.C.E. will detain and take custody of the suspect at the time of their trial, or at the conclusion of their sentence, whichever is longer.
- If I.C.E. cannot guarantee detention and deportation of criminal illegal immigrants for all offenses that qualify under federal law, then it must advise VA of the reason(s) for that decision so that VA can evaluate any options at its disposal to facilitate deportation.

Recommendations 10 and 11

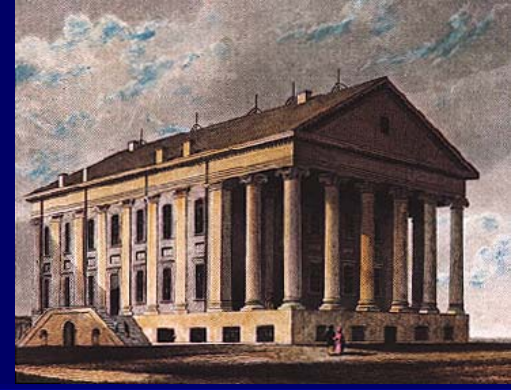


■ Regional Anti-Gang Task Forces

- It is recommended that all regions of VA that have not already done so form an anti-gang task force which should include, as a member, a representative from I.C.E.

■ 287(g) Authorization for VSP and DOC

- Request the Governor to execute 287(g) agreements with I.C.E. to authorize VSP and DOC to designate officers to be trained and authorized to assist federal authorities in the detection, apprehension, detention, and removal of illegal immigrants confronted in their normal criminal justice functions.
 - VSP authority limited to illegal immigrants confronted in the course of investigating violent felonies, drug offenses, and gang-related crime.



Referrals

Referrals



- The following proposals were considered to be not germane to Task Force Mission and were referred to the Governor's Commission on Immigration:
 - Verification cards for the purpose of showing identity.
 - Verification of new employees through the "E-Verify" program; Loss/suspension of license for knowing employment of illegal immigrants.
 - Documentation required to receive certain benefits.

Discussion