

Original Memorandum of Agreement	New Memorandum of Agreement
ICE priorities for arrest and detention not addressed	<p>The following ICE priorities now incorporated into the MOA:</p> <ul style="list-style-type: none"> • Level 1: Criminal aliens who have been convicted of or arrested for major drug offenses and/or violent offenses such as murder, manslaughter, rape, robbery, and kidnapping • Level 2: Criminal aliens who have been convicted of or arrested for minor drug offenses and/or mainly property offenses such as burglary, larceny, fraud, and money laundering • Level 3: Criminal aliens who have been convicted of or arrested for other offenses
Purpose of the 287(g) authority not clearly stated	Purpose of 287(g) authority is now provided in MOA. The purpose is to “enhance the safety and security of communities by focusing resources on identifying and processing for removal, criminal aliens who pose a threat to public safety or danger to the community.”
Did not provide limits to the law enforcement agency’s 287(g) authority	Expressly limits the law enforcement agency’s 287(g) authority to the confines of their area of responsibility
Separate templates for both task force and jail enforcement models	Universal template with jail enforcement and task force officer statutory authority in Standard Operating Procedure (SOP) Appendix
Federal civil rights not addressed	Agency personnel are bound by all Federal civil rights laws regulations and guidance relating to non-discrimination
Interpretation services not addressed in previous MOA	Requires law enforcement agency to provide Interpretation Services
Did not clearly state where complaints should be forwarded	MOA directs all complaints regarding the 287(g) program to proper components, either to the Office Professional Responsibility or the DHS Office of the Inspector General, in addition to the Office of Civil Rights and Civil Liberties
No minimum time commitment required for 287(g) officers	Minimum requirement to perform immigration officer functions for 2 years
Pursuing charges to completion was not addressed	Requires law enforcement agency to pursue to completion all criminal charges that caused the alien to be taken into custody

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Performance of duties by the law enforcement agency was not addressed	Enables ICE to address an agency's performance. If an agency is not fulfilling its duties, ICE will notify the agency in writing, giving 90 days to demonstrate a continued need for the 287(g) program services. If continued need is not demonstrated by the agency, the authorities and resources given to the agency pursuant to the MOA will be terminated or suspended
Did not provide additional detail around criteria for accepting candidates	All candidates must be US Citizens and the agency must have conducted a criminal background check within the last 5 years. Also, candidates must complete a background questionnaire, which requires but is not limited to fingerprints, personal history, and officer disciplinary history
Operations plan approval not required	Mandates the law enforcement agency provide the ICE supervisor with a copy of the operations plan, and ICE must concur and approve with the plan prior to any enforcement operation being initiated that will involve the use of 287(g) delegated authority.