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The State Senate
Atlanta, Georgia 30334

COMMITTEES:

Regulated Industries and Utilities, Secretary
Ethics
Judiciary
Insurance and Labor
Economic Development

Expungement Study Committee, Chairman
Alternative Medicaid Financing Study, Chairman
Unified Court Technology Study Committee, Chairman

Col. Mark McDonough
Georgia Department of Public Safety
959 E. Confederate Ave. SE
Atlanta, GA 30316

Dear Col. McDonough,

I have been asked to explain the fact that federal records indicate that DPS is not participating in the federal 287 (g) program and apparently has no officers trained under that authority. As I understand it, state law (O.C.G.A. § 35-2-14) requires that DPS have an MOU for 287 (g) with ICE and that ten DPS officers apply to be trained for this authority annually.

I write to ask for your input and explanation on the issue and to please point out to me any circumstances of which I may be unaware on the question so that I am able to offer an educated and accurate response to the question put to me.

Please send me an answer to the question of why DPS does not appear on the current list of 287 (g) participating entities and inform me of the most recent applications for DPS officers to be 287 (g) trained.

Thank you, your officers and staff for the brave and selfless duties you provide for Georgia's public safety.

Sincerely,

Senator Josh McKoon
District #29

→TITLE 35. LAW ENFORCEMENT OFFICERS AND AGENCIES CHAPTER 2. DEPARTMENT OF PUBLIC SAFETY ARTICLE 1. GENERAL PROVISIONS

§ 35-2-14. "Peace officer" defined; enforcement of immigration and custom laws

- (a) As used in this Code section, the term "peace officer" means peace officer as defined in subparagraph (A) of paragraph (8) of Code Section 35-8-2, as amended. here
- (b) The commissioner is authorized and directed to negotiate the terms of a memorandum of understanding between the State of Georgia and the United States Department of Justice or Department of Homeland Security concerning the enforcement of federal immigration and customs laws, detention and removals, and investigations in the State of Georgia.
- (c) The memorandum of understanding negotiated pursuant to subsection (b) of this Code section shall be signed on behalf of the state by the commissioner and the Governor or as otherwise required by the appropriate federal agency.
- (d) The commissioner shall annually designate no fewer than ten peace officers to apply to be trained pursuant to the memorandum of understanding provided for in subsections (b) and (c) of this Code section. Such training shall be funded pursuant to any federal Homeland Security Appropriation Act or any subsequent source of federal funding. The provisions of this subsection shall become effective upon such funding.
- (e) A peace officer certified as trained in accordance with the memorandum of understanding as provided in this Code section is authorized to enforce federal immigration and customs laws while performing within the scope of his or her authorized duties.