



Colonel Mark W. McDonough
Commissioner

Department of Public Safety

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Melissa Rodgers
Director of Legal Services

August 28, 2018

via first-class mail

Senator Josh McKoon
District 29
319-A Coverdell Legislative Office Building
18 Capitol Square, S.W.
Atlanta, Georgia 30334

Re: Memorandum of Agreement and Training of DPS Personnel for Purposes of Federal Immigration Enforcement in Accordance with O.C.G.A. § 35-2-14

Dear Senator McKoon,

I am in receipt of your letter inquiring why the Department of Public Safety does not appear as an entity participating in the U.S. Department of Homeland Security's "287(g)" program and why the Department of Public Safety "apparently has no officers trained under that authority." As you correctly point out, O.C.G.A. § 35-2-14 places certain requirements upon the Commissioner of the Department of Public Safety relating to the enforcement of federal immigration and customs laws. For the purposes of this inquiry, the code section states that the Commissioner of the Department of Public Safety:

1. "[I]s 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;" and
2. "[S]hall annually designate no fewer than ten¹ peace officers to apply to be trained pursuant to the memorandum of understanding provided for [in this] Code Section. Such training shall be funded

¹ O.C.G.A. § 35-2-14 was originally enacted in accordance with 2006 Senate Bill 529, which required that the Commissioner of the Department of Public Safety designate "appropriate" peace officers for training, and required that funding be provided specifically by the federal Homeland Security Appropriation Act of 2006 or any subsequent source of federal funding. Effective July 1, 2011, and pursuant to 2011 House Bill 87, the Commissioner was required

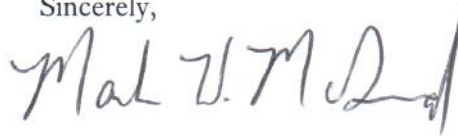
pursuant to any federal Homeland Security Appropriation Act or any subsequent source of federal funding. The provisions of this subsection shall become effective upon such funding.”

The Department of Public Safety, in compliance with the requirements of O.C.G.A. § 35-2-14, entered into a memorandum of agreement with the U.S. Department of Homeland Security’s Immigration and Customs Enforcement under which Department of Public Safety personnel would be nominated, trained, certified, and authorized to perform certain immigration enforcement functions. However, U.S. Immigration and Customs Enforcement Executive Associate Director for Enforcement and Removal Operations Gary Mead sent a letter to me dated December 21, 2012, in which he terminated the Department’s memorandum of understanding with his agency. Specifically, Mr. Mead’s letter stated that “Expiration of the current MOA on December 31, 2012, will conclude the authorization of all designated Georgia Department of Public Safety personnel to perform immigration enforcement functions under Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. 1357(g).” I have attached a copy of Mr. Mead’s letter to this correspondence.

Because U.S. Immigrations and Customs Enforcement has, effective January 1, 2013, terminated its agreement with the Department of Public Safety, there is no memorandum of understanding pursuant to which I am able to designate any Department of Public Safety personnel to apply for training. Moreover, because U.S. Immigrations and Customs Enforcement has terminated that agreement, there is not currently any federal funding for such training.

Thank you for reaching out to me with respect to this concern and for taking the time to seek my input. I also greatly appreciate your support for our mission of ensuring public safety throughout the State. If I can be of further assistance to you with respect to this or any other matter, please feel free to contact me again.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. McDonough". The signature is fluid and cursive, with a vertical line extending downwards from the end.

Colonel Mark McDonough
Commissioner

to *annually* designate *no fewer than ten* such officers pursuant to the memorandum of agreement and upon the provision of *any* federal Homeland Security Appropriation Act or subsequent source of federal funding.



**U.S. Immigration
and Customs
Enforcement**

DEC 21 2012

Colonel Mark W. McDonough
Commissioner
Georgia Department of Public Safety
959 E. Confederate Avenue, SE
Atlanta, GA 30316

Dear Commissioner McDonough:

In accordance with its responsibility to provide programmatic oversight of the 287(g) program, U.S. Immigration and Customs Enforcement (ICE) recently reviewed existing 287(g) Memoranda of Agreement (MOAs) due to expire in Fiscal year 2013 to determine which agreements to renew. The review included an analysis of such factors as performance, cost, operational benefit, the ability of other ICE programs to absorb work being done pursuant to the Agreements and the President's Fiscal Year 2013 budget proposal.

After a careful review of all the relevant information, ICE has decided not to renew its MOA with your agency. Expiration of the current MOA on December 31, 2012, will conclude the authorization of all designated Georgia Department of Public Safety personnel to perform immigration enforcement functions under Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. 1357(g). An ICE field office representative will contact you to arrange for any necessary equipment decommissioning.

ICE values its relationship with Georgia Department of Public Safety, and we will continue to work closely with your agency to respond to the local community's specific needs through other ICE programs. The ICE Agreements of Cooperation in Communities to Enhance Safety and Security (ICE ACCESS) initiative, for instance, was developed to promote the various programs and tools that ICE offers to assist state, local and tribal law enforcement agencies. More information on ICE ACCESS programs can be found on our website: <http://www.ice.gov/access/>.

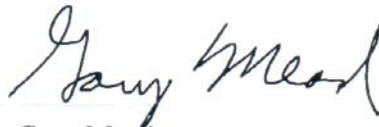
In addition to ICE ACCESS, the Law Enforcement Support Center (LESC) continues to serve as a national ICE point of contact for law enforcement agencies. The LESL provides timely immigration status and identity information, as well as real-time assistance to local and

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state law enforcement agencies by phone or by submitting an Immigration Alien Query through the National Law Enforcement Telecommunications System.

I value our partnership under the 287(g) program and look forward to continued partnership in collaborative efforts with your department. If you have any questions regarding the ICE resources available to assist your agency, please contact Special Agent in Charge Brock Nicholson, Homeland Security Investigations, who can be reached at (404) 346-2279.

Sincerely,

A handwritten signature in black ink that reads "Gary Mead". The signature is written in a cursive style with a large initial "G" and "M".

Gary Mead
Executive Associate Director
Enforcement and Removal Operations