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South Carolina Proposal 287 (g) Program

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February 22, 2008



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South Carolina Proposal 287 (g) Program

Introduction

During the year 2006, several South Carolina counties requested participation in the Delegation of Authority Program pursuant to Section 287 (g) of the Immigration and Naturalization Act. The partnership would have enabled Immigration and Custom Enforcement (ICE) and the respective counties to better serve and meet the needs of the residents within forty-six counties of South Carolina regarding the increased problems associated with foreign born criminal illegal aliens.

Subsequent to the submission of the requests, there have been numerous meetings involving representatives from ICE, SC Governors Office, SC Department of Corrections, several SC Sheriff's, SC Sheriff's Association membership and county governments with the purpose of planning, developing and implementation of the Section 287 (g) program in South Carolina.

In January 2008, representatives from ICE announced the federal government could not allocate funding and/or other related support towards implementing the 287 (g) programs in counties other than York County, South Carolina, which received ICE approval in October 2007. Only a regional plan would be considered by ICE in the future.

Sheriff P.J. Tanner was appointed a sub-committee chairman, SC Sheriff's Association, with expressed guidance to develop and recommend a proposal that would address the influx of foreign born illegal aliens in local jails awaiting detention and deportation. The proposal would also have a positive effect on increasing bed space in local jails and prisons and reducing overcrowding.



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Section 287 (g) of the Immigration and Naturalization Act

The Illegal Immigration Reform and Immigration Responsibility Act, effective September 30, 1996, added Section 287 (g), performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act (INA). This authorizes the secretary of the U.S. Homeland Security (DHS) to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform immigration law enforcement functions, pursuant to a Memorandum of Understanding (MOU), provided that the local law enforcement officers receive appropriate training and function under the supervision of sworn U.S. Immigration and Customs Enforcement (ICE) officers.

The cross designation between ICE and state and local patrol officers, detectives and investigators working in conjunction with ICE allows these local officers and state officers:

- necessary resources and latitude to pursue investigations relating to violent crimes, human smuggling, gang/organized crime activity, sexual-related offenses, narcotics smuggling and money laundering;
- increased resources and support in more remote geographical locations; and
- more robust coverage throughout the United States.



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Regional Detention Facilities Proposal in Support of Section 287 (g) Program

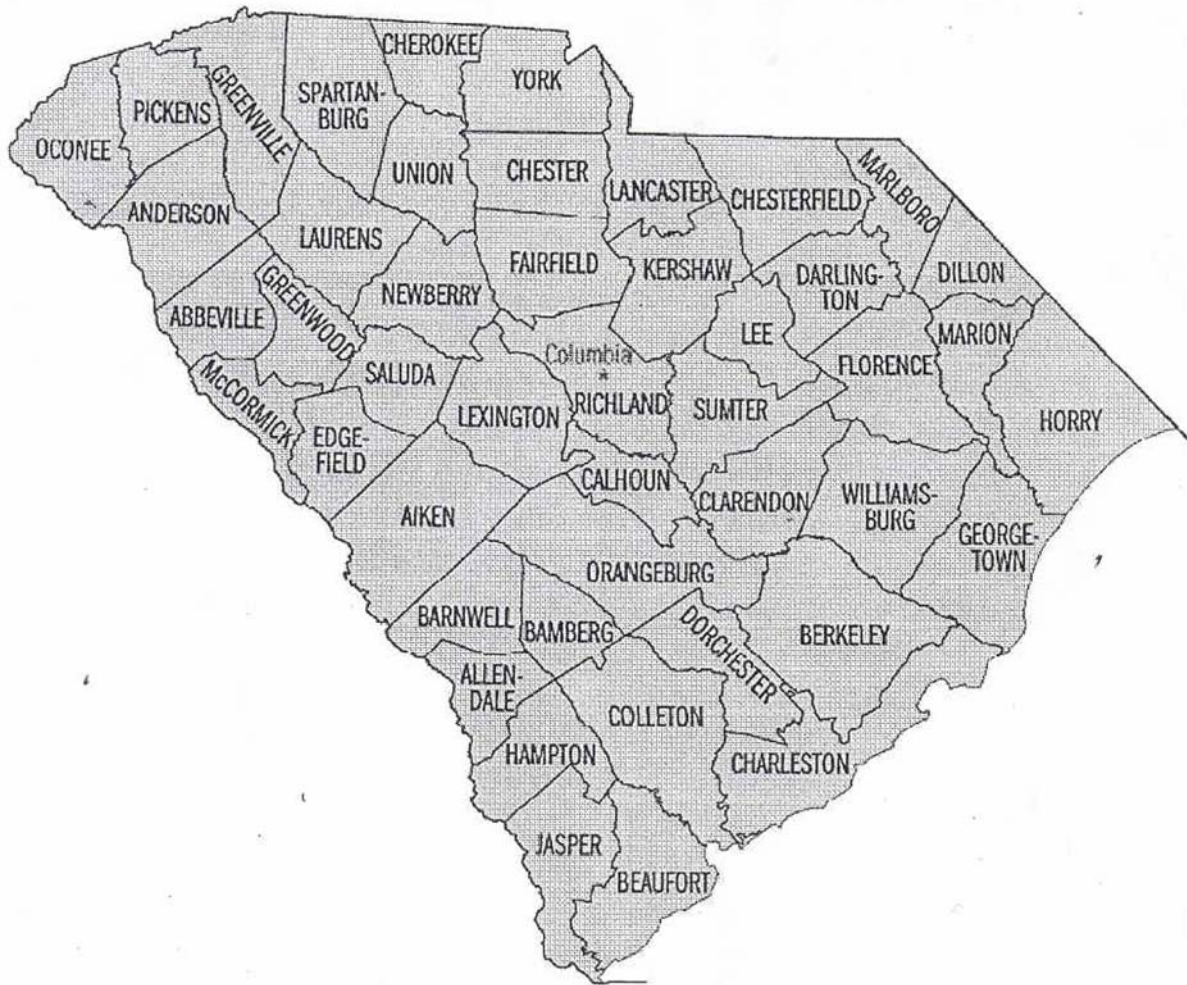
Implementation of regional detention facilities in South Carolina would provide county jails and state prison institutions the opportunity to receive, detain and hold foreign born illegal aliens for Immigration and Customs Enforcement (ICE) pending deportation:

- One (1) centralized detention facility located in each proposed region throughout South Carolina would have a minimum of 400 bed space capacity for a total of 1200 beds available for state usage. Currently local jails daily population has exceeded 12,000 inmates as of January 2008.
- Funding for initial construction of each facility would be dependent upon respective counties monetary contribution, state and **federal grants**. It is estimated that the total cost for the construction of all the proposed facilities would be in the 12-15 million dollar ranges.
- The sole ownership and operational responsibility for each detention facility would rest with the South Carolina Department of Corrections (SCDOC) once the construction of each facility is completed and accepted by the state of South Carolina.
- 287 (g) programs and ICE technology support would be established in each facility.
- The identification of foreign born illegal aliens would be determined through the criminal justice system.
- Foreign born fugitives and violent criminals who normally commit misdemeanor offenses and later post bond and gain freedom after arrest would be detained, adjudicated and subsequently deported.
- South Carolina Department of Corrections would have the authority and ability to move foreign born illegal aliens from local jails and prisons to a low risk and minimum category designated facility pending deportation.
- Foreign born illegal aliens sentenced by the courts, to a year or less, may serve their sentence in the detention facility prior to being deported.
- Overcrowding in local jails would be dramatically reduced and/or eliminated.



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Counties within South Carolina



There are forty six counties and local jails located within South Carolina and the daily count of inmates fluctuates daily.

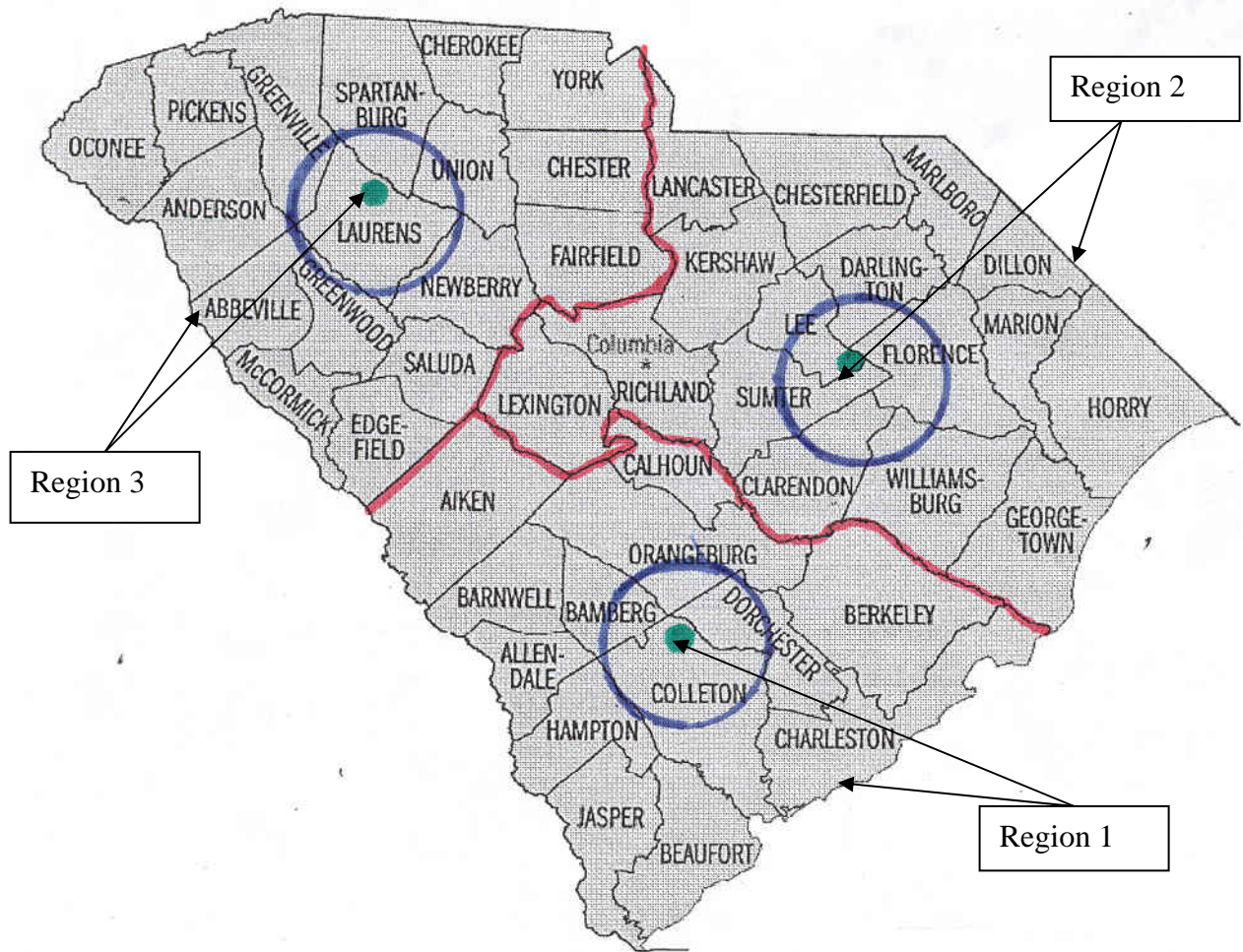
As of January 2008 there were more than 12,000 inmates incarcerated in county jails.

The average cost per inmate is approximately \$50.00 per day.



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Proposed Regions and Facilities Sites



Legend:

Red - defines cluster region grouping

Green - indicates proposed regional detention facility location

Note: Land for facility construction to be donated by the respective county.
A minimum of 25 acres is required per facility location.



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Region I



South Carolina Sheriff's Office Jail Data as of 02-08-08

Region I	Capacity	Avg Daily Population
Aiken	409	409
Allendale	44	21
Bamberg	65	45
Barnwell	106	90
Beaufort	255	288
Berkley	154	335
Calhoun		
Charleston	661	1580
Colleton	96	88
Dorchester	165	250
Hampton	48	54
Jasper	108/114	108
Orangeburg	487	345
Totals = 13	2490	3613

Proposed detention facility located within Colleton County or adjacent county within the cluster. Allendale County identified as having the least bed space capacity and average daily population. Charleston County identified as having the most bed space capacity and average daily population in the region.

* No data available for Calhoun County at the preparation of this proposal.



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Region 2



Region II	Capacity	Avg Daily Population
Chesterfield	96	64
Clarendon		
Darlington	236	185
Dillion	200	180
Florence	520	505
Georgetown	212	235
Horry	390	600
Kershaw	100	92
Lancaster	122	120
Lee		
Lexington	682	950
Marion	100	120
Marlboro		66
Richland	836	1148
Sumter	504	455
Williamsburg	176	74
Totals = 16	4174	4794

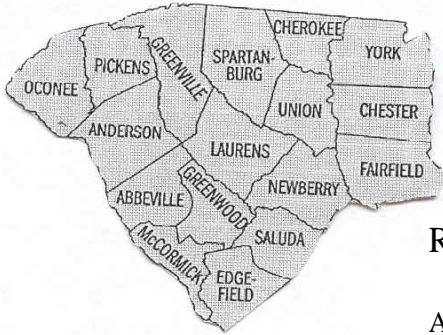
Proposed detention facility would be located in Lee County or adjacent county.
 Chesterfield County identified as having the least bed space capacity and average daily population.
 Richland County is identified as having the most bed space capacity and average daily within the region.

- * No data available for Clarendon and Lee Counties at the preparation of this proposal.
- * Incomplete data available for Marlboro County at the preparation of this proposal.



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Region 3



Region III	Capacity	Avg Daily Population
Abbeville	106	54
Anderson	257	460
Cherokee	155	160
Chester		
Edgefield	68	54
Fairfield	110	
Greenville	1011	1470
Greenwood	308	345
Laurens	144	185
McCormick		14
Newberry	152	150
Oconee	122	151
Pickens	91	114
Saluda	71	58
Spartanburg	643	961
Union	40	52
York	344	346
Totals = 17	3622	4574

Proposed detention facility would be located in Laurens County or adjacent county.
 Union County identified as having the least bed space capacity and average daily population.
 Greenville County is identified as having the most bed space capacity and average daily within the region.

* No data available for Chester County and partial data available for McCormick County at the preparation of this proposal.



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Conclusion

The federal government is now limited in funding and supporting of individual counties regarding the 287 (g) program, it is incumbent upon the state of South Carolina to recommend this proposal to take a logical and effective position in dealing with the immigration problem. In searching for solutions, one very reachable goal is to construct detention facilities in regions throughout the state to house those foreign born illegal aliens who subsequently would be deported upon completion of court mandated sentencing.



The state of South Carolina would be the leading state and pilot program in the nation confronting the issue of overcrowding of local jails, detention and deportation of foreign born illegal aliens by constructing regional detention facilities.

Successful implementation of regional detention facilities will require an active partnership between ICE, SCDOC, Sheriffs Offices, County Government bodies and the respective Circuit Solicitor's Office. It would be incumbent upon the Circuit Solicitor's Offices to aggressively prosecute criminal charges against foreign born illegal aliens so as to create a criminal record which will result in immediate deportation in the event of another arrest for any criminal offense



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References

Title 8, Chapter 12, Subchapter II of the U.S. Code Section 1357.

US Immigration and Customs Enforcement directive dated July 2006.

Beaufort County Sheriff's Office and Beaufort County Detention participation in the 287 (g) program dated October 2006.

Capacity and average daily population data prepared and submitted by local detention facilities January 2008.