

William G. Dressel, Jr., EXECUTIVE DIRECTOR ■ Michael J. Darcy, CAE, ASSISTANT EXECUTIVE DIRECTOR

MAYORS FAX ADVISORY

January 25, 2008

**Re: Attorney General Directive
Concerning Immigration and State
and Local Law Enforcement-Update**

Dear Mayor:

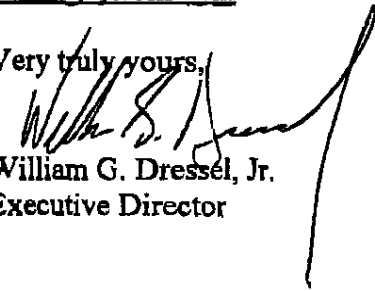
As part of its ongoing effort to gather information, the League Task Force on Immigration requests that you and your police department provide us with feedback concerning your experiences with the directive issued in August, 2007 by Attorney General Anne Milgram regarding the relationship between state and local law enforcement and federal immigration authorities.

The directive requires local police to inquire about immigration status after arresting an individual on certain criminal charges, and to notify Immigration Customs Enforcement ("ICE"), the prosecuting agency, and the court if there is a reason to believe that the arrestee may be an undocumented immigrant. The Attorney General listed specific indictable offenses and driving while intoxicated as charges to which this procedure applies. The directive also declares that no law enforcement officer shall inquire about or investigate the immigration status of any victim, witness or person requesting assistance from the police.

Guidelines are also set for municipalities that apply to U.S immigration authorities for "Section 287(g) authority". Section 287(g) permits the federal government to enter into agreements with municipalities to deputize local officers on the street to enforce federal immigration laws. The directive indicates that Section 287(g) officers can only invoke their federal immigration authority after placing an undocumented immigrant under arrest for an indictable offense or for driving while intoxicated. Any inquiries by a Section 287(g) officer into immigrant status must be documented and reported to superiors, and those police departments shall submit a monthly report to the Division of Criminal Justice in the Department of Law and Public Safety detailing investigations into immigrant status.

The directive can be accessed online at
<http://www.nj.gov/oag/newsreleases07/pr20070822a.html>. If your municipality has any experiences with the enforcement of this directive to share, please send them to dkole@njslom.com

Very truly yours,


William G. Dressel, Jr.
Executive Director


Michael Wildes
Chair, Immigration Task Force