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**CITY OF DANBURY**  
**OFFICE OF THE CORPORATION COUNSEL**

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810  
(203) 797-4518 (203) 796-8043 FAX

MEMORANDUM

To: Honorable Mayor Mark D. Boughton  
Honorable Members of the Common Council

From: Laszlo L. Pinter – Deputy Corporation Counsel *LLP*

Re: **ICEACCESS Program**

Date: December 18, 2007

Members of the Common Council have requested a study of the feasibility of the City of Danbury, through its Police Department, engaging in the federal ICEACCESS program. This program was authorized, by federal enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and later codified further, pursuant to law, to permit ICE (Immigration and Customs Enforcement) to enter into cooperative agreements with local police officials and “cross-designate” them to assist in the enforcement of both civil and criminal violations of immigration law. As specifically stated in the federal legislation creating these program components (codified in 8 US Code Section 1357), the Attorney General of the United States (through designated officials) is authorized to enter into contract *directly* with a locality, through its police department, to utilize the provisions of the ICEACCESS program.

You are also and already in receipt of a Memorandum regarding this proposal from Police Chief Alan Baker setting forth the focus of the program.

The most recognized component of the series of ICEACCESS support programs is known as “287(g)”. This component is specifically designed to allow trained, local police officers to enforce civil and criminal violations of federal immigration law. Other program components focus on a variety of immigration enforcement programs covering a variety of immigration violations, and include organized crime, drug and human smuggling, document fraud and identity theft and work site investigation (the former two being in the nature of criminal inquiry, the latter are civil side). None of the programs provide for the unbridled arrest or detention of individuals involved in day labor, housing violations or related non criminal activity.

As is the case with 287(g) and other ICEACCESS program components, once the Council authorizes the program and a local law enforcement agency (“LEA”) executes a memorandum of understanding (“MOU”) with ICE, local police officers are authorized, during the course of and incidental to a lawful inquiry and arrest for violation of local or state law to investigate, identify, apprehend, detain and process for ICE jurisdiction individuals who have violated civil or criminal immigration law. This process is assisted by access to the National Crime Information Center (“NCIC”) that provides identity data to local, state and federal officials. This system is already in use by cooperating police authorities at all levels.

19B2

Honorable Mayor Mark D. Boughton  
Honorable Members of the Common Council

Page 2

December 18, 2007

The MOU defines the scope (and the limitations) of authority that the local authorities will have. It establishes the supervisory structure and the training process, as well as complaint procedures in the event of procedural defects or misconduct. According to the Chief, the process, including training, may take a period of months to secure the full benefits of the ICEACCESS program.

Finally, it should be noted that the ICEACCESS program solidifies already existing cooperative efforts of police officials at all levels of government, not only in the area of immigration, but others as well. "Inherent police power" is a recognized cooperative policing term and adopted to permit sovereign police authorities the capability of assisting other authorities in law enforcement to protect and promote the health, safety and welfare of the public citizenry.

We are pleased to be able to provide the foregoing information to you, and remain available to answer all questions that you may have pertaining to our review of the ICEACCESS program and its use in Danbury.

cc: Chief Baker, Police Department  
Michael McLachlan, Chief of Staff/Mayor's Office

"Memorandum5"

Robert J. Yamin  
Corporation Counsel  
[r.yamin@ci.danbury.ct.us](mailto:r.yamin@ci.danbury.ct.us)  
(203)797-4518

Laszlo L. Pinter  
Deputy Corporation Counsel  
[l.pinter@ci.danbury.ct.us](mailto:l.pinter@ci.danbury.ct.us)  
(203)797-4517

Robin L. Edwards  
Assistant Corporation Counsel  
[r.edwards@ci.danbury.ct.us](mailto:r.edwards@ci.danbury.ct.us)  
(203) 797-4516

Dianne E. Rosemark  
Assistant Corporation Counsel  
[d.rosemark@ci.danbury.ct.us](mailto:d.rosemark@ci.danbury.ct.us)  
(203) 796-8004