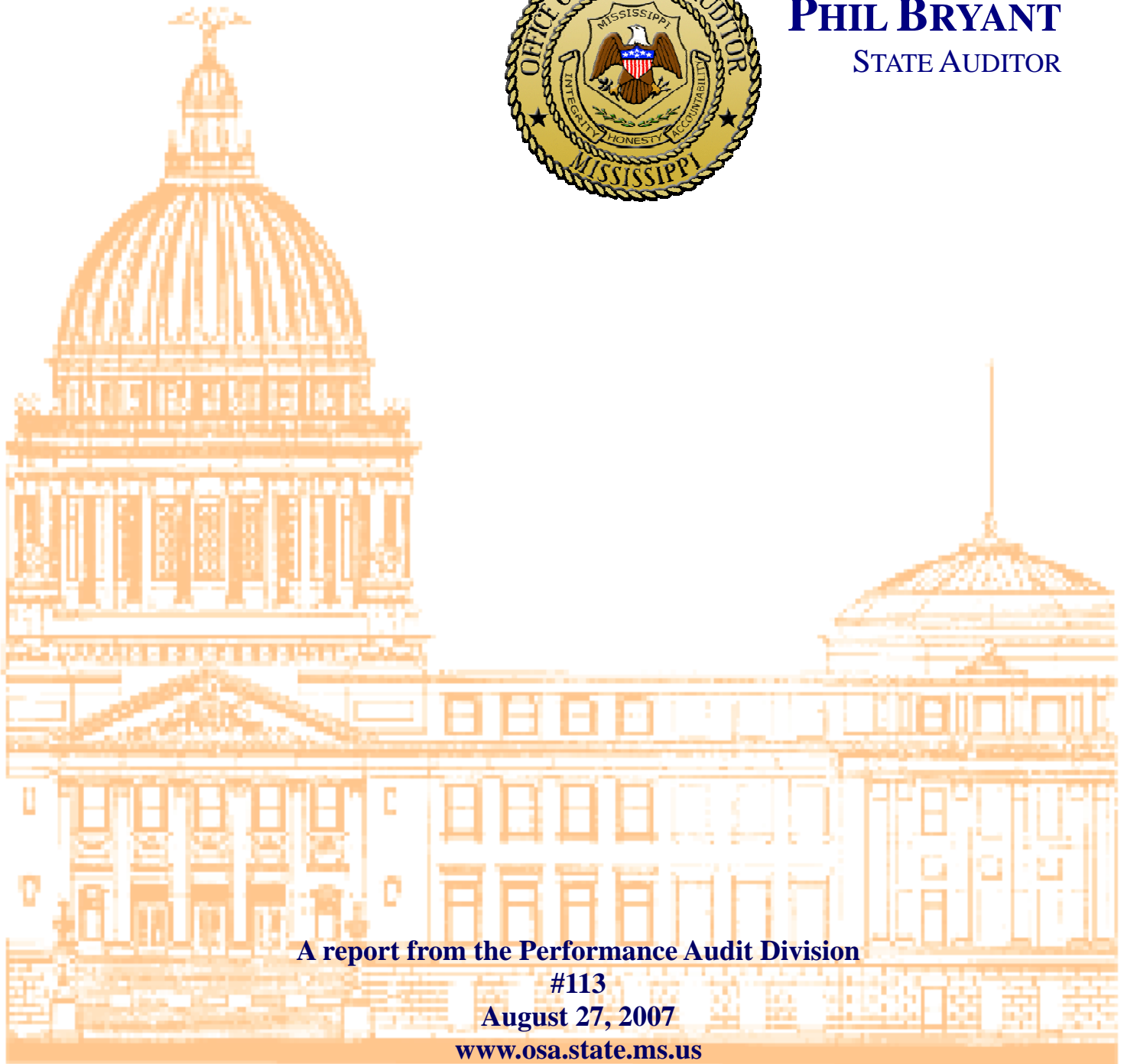


CRIME AND ILLEGAL IMMIGRATION IN MISSISSIPPI: A REPORT FROM THE 2007 SUMMIT



PHIL BRYANT
STATE AUDITOR



A report from the Performance Audit Division

#113

August 27, 2007

www.osa.state.ms.us



STATE OF MISSISSIPPI
OFFICE OF THE STATE AUDITOR

PHIL BRYANT
AUDITOR

August 27, 2007

Honorable Haley Barbour
Office of the Governor
Sillers Building, 19th Floor
Jackson, MS 39201

Honorable Amy Tuck
Office of the Lt. Governor
315 New Capitol Bldg.
Jackson, MS 39201

Honorable Billy McCoy
Speaker of the House
306 New Capitol Bldg.
Jackson, MS 39201

Dear Governor, Lt. Governor, and Speaker:

The Performance Audit Division of the State Auditor's Office has completed a review entitled, **"Crime and Illegal Immigration in Mississippi: A Report from the 2007 Summit."** A copy of this report is enclosed for your review.

This report was undertaken in response to requests by law enforcement and as a result of the summit held in May 2007. This is also a follow-up to State Auditor's Office February 2006 report *The Impact of Illegal Immigration on Mississippi: Costs and Population Trends*. The discussion of crimes in this report represents the unforeseen costs associated with the unexpected increase in crimes due to an influx of illegal immigrants. Costs include the time and resources of the responding agencies—police, fire, and emergency medical personnel. If prosecuted, there are justice system costs as well. All of this is ultimately born by the taxpayer. In an already financially strapped public safety system, the addition of crimes by and against illegal aliens strains the system and its resources even more.

The most significant finding of this report is the inconsistent collection of statistical information regarding the number of illegal aliens and the crimes they commit across the State of Mississippi. Consequently, there is limited or no comprehensive data available about criminal aliens statewide at this time. As a result, this report emphasizes the need to determine the immigration status of those arrested, convicted, and incarcerated in Mississippi – not just for statistical, budgeting, and planning purposes but also for the safety of our citizens and legal visitors.

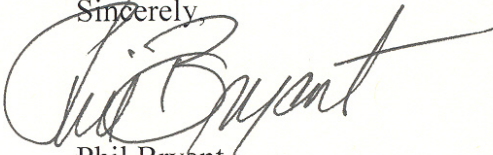
It is our hope that this report will provide policy makers important and reliable recommendations about illegal immigrants. Future decisions related to this important issue can best be made with the necessary information included in this report.

This report was reviewed and approved by law enforcement officers across Mississippi, and I would be remiss if I did not thank them for their efforts and input on not only this report but also their time at the crime summit.

This report is available on the State Auditor's Office web site (<http://www.osa.state.ms.us>). Additional copies may be downloaded from this site.

If you have any questions or comments regarding this Performance Review, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Phil Bryant", with a large, stylized initial "P" and a long, sweeping horizontal stroke extending to the right.

Phil Bryant
State Auditor



**Office of the State Auditor
Phil Bryant**

***Crime and Illegal Immigration in Mississippi:
A Report From the 2007 Summit***

August 27, 2007

*This summit identified
fundamental issues
surrounding crime and
illegal immigration...*

Introduction

In May 2007, the Office of the State Auditor (OSA) brought together 31 law enforcement representatives from all levels of government to discuss the issue of crime and illegal immigration in Mississippi. U.S. Immigrations and Customs Enforcement (ICE), Mississippi Department of Public Safety (DPS), Mississippi Bureau of Narcotics (MBN), Mississippi Department of Corrections (MDOC), Mississippi Highway Patrol (MHP), jail wardens, municipal police, and county sheriff's departments from around the State were represented at this meeting. Participants were provided an open forum to discuss issues and solutions surrounding crimes committed by and against illegal immigrants. This is a follow-up topic to OSA's February 2006 report *The Impact Of Illegal Immigration On Mississippi: Costs And Population Trends*, which, among other issues, discussed the costs of crimes committed by illegal immigrants. After the first report, OSA received several requests for more information about crime and illegal aliens and the impact on Mississippi.

Most importantly, this summit identified fundamental issues surrounding crime and illegal immigration such as illegal immigrants using multiple aliases with no speedy way for many local police jurisdictions to identify repeat offenders accurately. This, as well as other issues, can cause

crime statistics reported in Mississippi to be flawed and can affect the ability of local, state, and federal law enforcement to effectively control certain types of crimes.

These issues and more have resulted in a number of recommendations designed to improve the effectiveness of law enforcements' ability to deal with the growing issue of illegal immigrants in Mississippi. **OSA recommends that the State, in conjunction with local law enforcement create a comprehensive statewide public safety plan for crime related to illegal immigrants.** It should target specific areas of the state with the largest illegal immigrant crime problems first, with plans to expand it as needed throughout other parts of the state. The recommendations in this report should be considered as part of any statewide plan of action regarding illegal alien related crimes. Also, these recommendations fall within the boundaries of federal immigration laws and, if properly structured, would not preempt any federal authority or laws.

The ancillary impact of the recommendations in this report include initiatives that will help with all crimes committed in Mississippi; fingerprinting units that can be used for any individual who is arrested, regardless of immigration or citizenship status, stronger and more secure identification practices, stronger anti-street gang laws, and safer communities in general.

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A Statewide comprehensive plan is needed to minimize the crimes and costs of crimes committed by illegal immigrants.

This report is about illegal (or unauthorized) immigrants (or aliens) regardless of race, ethnicity, or country of origin.

It is about the commission of crimes by people who do not have the authority under law to be anywhere in the United States.

Further, and perhaps more importantly, this report is about the continued commission of crimes by illegal immigrants that cost the taxpayers of Mississippi.

The types of crimes mentioned in this report may be committed by anyone. However, the increase in individuals who disregard the laws of our nation and State, or who are not familiar with these same laws, potentially increases the number of crimes committed. This, in turn, places an unnecessary and increased burden on law enforcement and endangers all those people who have a legal right to be here. Mississippi needs a comprehensive plan of action that fits within the existing federal framework to reduce the number of illegal aliens who reside here and to reduce the number of crimes committed by and against them.

Within this statewide comprehensive plan of action are recommendations to:

- ✓ Participate in ICE's 287(g) Program, the federal program that trains and authorizes local and state law enforcement officials to enforce federal immigration laws properly,
- ✓ Request more ICE enforcement agents to manage the increase in illegal aliens coming into Mississippi,
- ✓ Assess the immigration status of any suspected illegal aliens arrested, incarcerated, or convicted of crimes in Mississippi using any and all tools available, in order to facilitate their removal and gather statistical data for future planning,
- ✓ Provide the necessary equipment, technology, and software for all law enforcement to quickly and accurately identify criminals as they are processed,
- ✓ Increase penalties for document fraud in Mississippi,
- ✓ Utilize the no cost ICE Law Enforcement Assistance Center (LESC) to better identify illegal aliens apprehended by law enforcement,
- ✓ Assist local law enforcement agencies in their language communication efforts,
- ✓ Evaluate, change, or strengthen state laws regarding bail and bail bonding,
- ✓ Pursue federal holding facilities in Mississippi for adult and juvenile illegal aliens,
- ✓ Prohibit "sanctuary communities" in Mississippi,
- ✓ Evaluate, change, or strengthen state laws regarding street gangs, to specifically include penalties against recruitment, gang participation, and gang violence,
- ✓ Keep data on immigration status of all incarcerated aliens to better recover federal SCAAP funds and better plan and budget for future needs, and,
- ✓ Evaluate, change, or strengthen state laws regarding human trafficking and prostitution.

Agenda items of the summit included discussion about types of crimes, gangs and drugs, human trafficking, fraudulent identification, incarceration costs, deportation and re-entry, training programs, and other related issues. At the end of the meeting, OSA asked each of the participants to rank the impact on Mississippi law enforcement of key crime related issues that had been discussed. More than half of all participants identified problems related to document fraud, false identification, and difficulty in verifying identity as high impact issues.

All of the recommendations in this report are summarized on pages 19-22. All references, citations, and notes are found on pages 23 and 24.

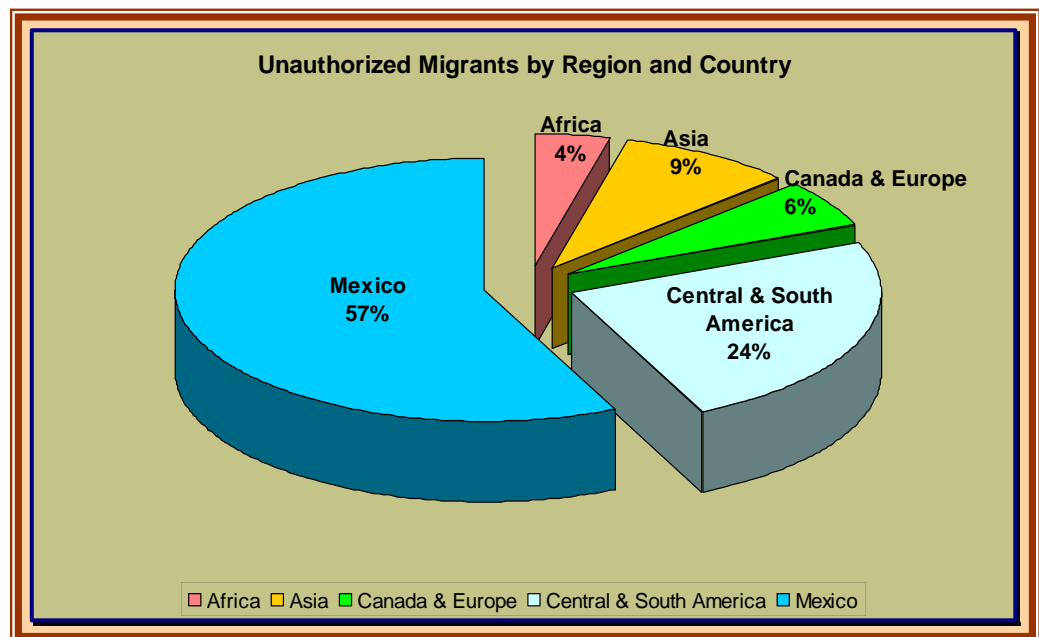


Background

In 2005, OSA researched a variety of topics related to costs associated with illegal immigration. In any discussion of illegal immigrants, it is important to understand their demographics and group composition. Many people in Mississippi automatically assume that this is only an issue about Hispanic people. In fact, this report is not about Hispanic citizens, legal immigrants, or visitors. This report and all other OSA reports on this topic are about *illegal* (or unauthorized) immigrants (or aliens) regardless of race, ethnicity, or country of origin. It is about the commission of crimes by people who do not have the authority under law to be anywhere in the United States. Further, and perhaps more importantly, this report is about the continued commission of crimes by illegal immigrants that cost the taxpayers of our State and nation.

Of the 35.7 million foreign-born people residing in the U.S. in 2005, 29%, or 10.35 million, were here illegally. Of those residing illegally in the United States, approximately 57% (6.0 million) are from Mexico; 24% (2.5 million) are from other Latin American countries; 9% (1.0 million) come from Asian countries; 6% (600,000) come from Canada and European countries including former USSR countries, Poland, and other former Eastern Bloc countries; and 4% (400,000) come from Africa.¹

The first time a person comes into the country illegally is considered a civil crime and misdemeanor under federal statutes. If the person is deported and returns, then they have committed a felony under federal law.



Source: Migration Policy Institute (2005)

As described in the chart above, Mexico represents the largest source of illegal immigration to the United States. Of the approximately ten million Mexican immigrants in the United States, six million are here illegally and four million are here legally.² According to The Migration Policy Institute (2005),

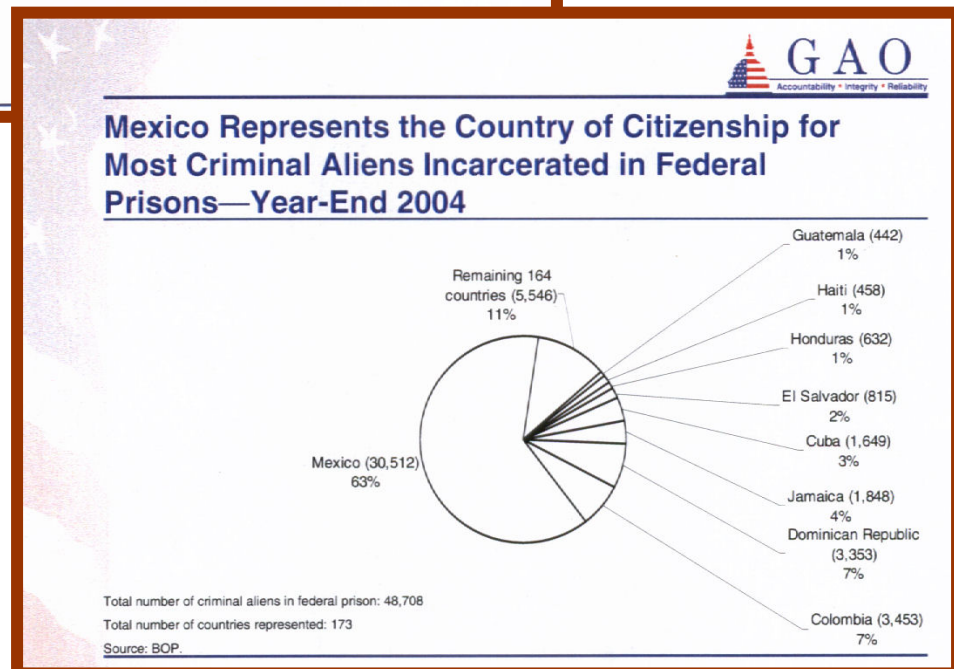
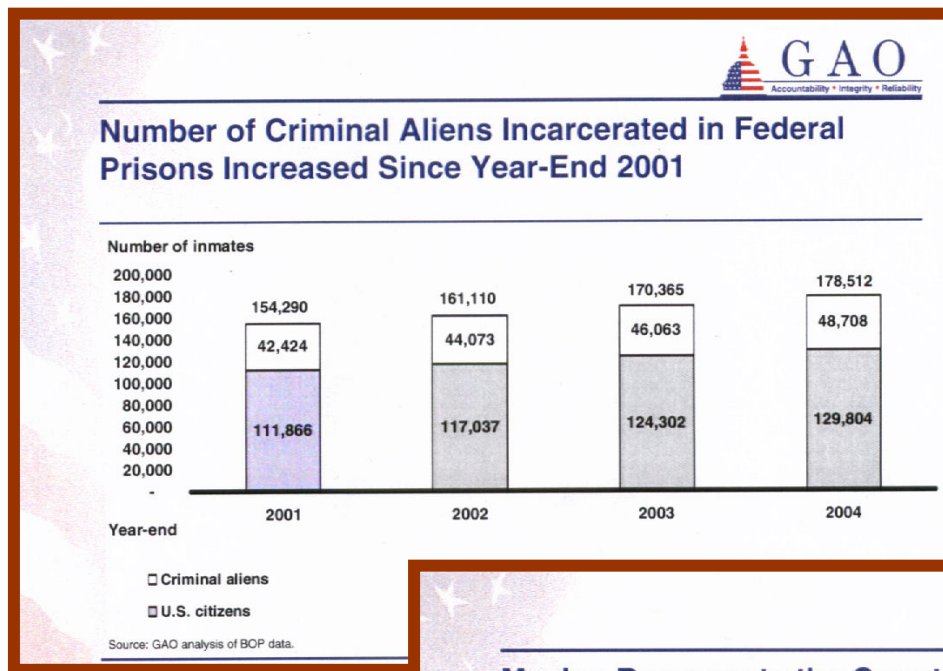
Mexican immigrants moved to the southeastern part of the country...for jobs in poultry processing, light manufacturing, and construction.

In another report, the Institute also notes that “Unauthorized Mexican migration in particular increased substantially in ‘new destination states’...For example, the unauthorized migrant populations in Georgia, North Carolina, Tennessee and Arkansas grew five-to-six-fold during the 1990’s.” Since Hurricane Katrina, Mississippi is now considered one of the ‘new destination states.’ While the nation only saw a 17.2% increase in immigrant population overall, Mississippi’s immigrant population grew 148.7%—the highest rate of any state in the nation.³



However, it is important to remember that this report focuses on all *illegal* aliens, whether they are from Canada, Europe, Asia, Latin America, Africa, India, or the Middle East, but particularly on those who are in Mississippi today.

According to a 2005 Government Accountability Office (GAO) report about criminal aliens incarcerated in federal, state, and local facilities, there are more criminal aliens from Mexico and other Latin American countries than any other countries or regions of the world. Further this number has been on the rise.⁴ The following two charts illustrate their figures:



At the federal level, the number of criminal aliens incarcerated increased from about 42,000 at the end of calendar year 2001 to about 49,000 at the end of calendar year 2004—a 15% increase. Slightly more than 25% of all federal prisoners are criminal aliens. In addition, the majority of criminal aliens incarcerated at the end of calendar year 2004 were identified as citizens of Mexico.



Authority of State & Local Law Enforcement

Despite claims that state and local law enforcement have no authority to enforce federal immigration laws, the fact remains that federal laws, as well as opinions from the United States Attorney General provide for such enforcement.

Despite news media and other organizations claiming that state and local law enforcement have no authority to enforce federal immigration laws, the fact remains that both federal laws and programs, as well as an opinion from the United States Attorney General, provide for such enforcement. In 2002, the U.S. Attorney General opined, “We explain in Part I below that the authority to arrest for violation of federal law inheres in the States, subject only to preemption by federal law...We conclude in Part III that section 1252c does not pre-empt state arrest authority in any respect...”⁵ In 1996, Congress granted authority to state and local law enforcement to arrest and detain illegal immigrants under certain circumstances. Specifically, under the Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA), they can arrest and detain illegal aliens who have previously been convicted of a felony.

Under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), state and local police can enforce civil immigration laws through a Memorandum of Agreement (MOA) with the U.S. Justice Department. The use of the MOA is known as either a “Section 133” Agreement or the “Section 287(g)” Program. In addition to the 287(g) Program, ICE offers the LESC (Law Enforcement Support Center). The LESC is an important resource for law enforcement officers regarding aliens suspected, arrested, or convicted of criminal activity. The LESC is discussed further under the “Arrest & Accurate Identification” section of this report.

Also, state and local governments may enforce federal immigration laws in emergency situations where all of the following conditions are met: a mass influx of aliens as defined by the law; a situation that requires an immediate response from the federal government; and proper consent by the federal government. The federal government is allowed to delegate certain responsibilities to local and state law enforcement, and states are allowed under the constitution to protect their citizens.





The 287(g) Program

The 287(g) program delegates broad authority for local and state law enforcement to enforce federal immigration laws under the supervision of ICE.

This report has hit the target. However, it comes to mind that the federal government needs to consider breaking Customs and Enforcement back into separate agencies the way they were before 9/11. We would get a better “bang for the buck” by letting them do their very different jobs separately as they did under the pre-9/11 system.

*-Sheriff Toby Trowbridge
Madison County, MS*

The Section 287(g) Program provides broader authority than simply the power to arrest an alien and transfer them to ICE custody. Section 287(g) encompasses the spectrum of basic immigration enforcement powers including not only the power to arrest and transfer, but also the power to investigate immigration violations, the power to collect evidence and assemble an immigration case for prosecution or removal, the power to take custody of aliens on behalf of the federal government, and other general powers involved in the routine enforcement of immigration laws.

This broader enforcement authority is delegated to state and local law enforcement agencies through the formal MOA, which effectively deputizes members of state or local law enforcement agencies to perform the “function[s] of an immigration officer” under 8 U.S.C. §1357(g). This program also provides ICE oversight of all designated activities.

The 287(g) Program offers two training programs—a 5-week program for field level law enforcement and a 4-week program for correctional personnel. In addition to training on federal immigration law and proper enforcement techniques, participants receive training in civil rights and intercultural relations. Since 2002, 31 training sessions in 11 states, including Alabama, Georgia, and Tennessee have trained more than 320 law enforcement officers at the state and local level.

As of June 2007, Mississippi had no signed MOAs with ICE for this program. However, **OSA recommends that the State and local governments seriously consider this program, especially in areas where growing numbers of illegal immigrants may be mixing with the legal immigrant population.** Further, **OSA recommends that the Legislature consider providing funding specifically to assist in training of law enforcement entities that wish to pursue the 287(g) Program.** ICE will provide training instruction and materials at no charge, but, local and state law enforcement agencies must pay officers’ salaries while they are in training. Once training is complete, approved entities can have access to ICE databases. However, any additional computer or network system costs must currently be borne by the state and local government.

While it is possible for State and local law enforcement to enforce federal immigration laws, Mississippi does not currently have enough ICE agents assigned to this state to assist with and handle the increase in illegal aliens who are committing crimes. **OSA recommends that the State request more ICE agents be placed in Mississippi to assist local and State efforts to curtail the growth of illegal immigrants in Mississippi.**





Illegal Immigrants & Crime in Mississippi

Any crime in Mississippi bears a cost—regardless of whether it was committed by or against illegal immigrants. There are human and financial costs whether the crimes are reported or not. For reported crimes, costs include the time and resources of the responding agencies—police, fire, and emergency medical personnel. If those crimes are prosecuted, there are added costs to the justice system as well. All of this is ultimately born by the taxpayer.

In an already financially strapped public safety system, the addition of crimes by and against illegal immigrants strains the system and its resources even more. The inability to communicate, to quickly and correctly identify an individual, and the difficulty producing witnesses simply add to the time and resources needed to control the growing issue of crimes involving illegal immigrants. **OSA recommends that law enforcement make an effort to accurately assess the immigration status of suspected illegal immigrants.** Keeping a record of this data will assist federal agents with deportation and will provide local law enforcement a basis to determine the volume and costs of illegal immigrant related crimes.

Many people question if being in the United States without going through the proper immigration process is a crime. The answer is yes, it is a crime. The first time a person comes into the country without going through proper channels is considered a civil crime and misdemeanor under federal statutes. If the person is deported and returns, then they have committed a felony under federal law.⁶ It is a crime to:

- ✓ Transport people into and across the United States who entered illegally. In fact, Mississippi has laws making it a crime to transport aliens into the State for illegal activities⁷;
- ✓ Employ or hire an individual who is in the United States illegally. These have generally been thought of as federal crimes, but they often lead to local crimes as well, when those employed are gang members who extort money from fellow illegal aliens, or those employed have stolen someone's identity, or when those employed drink and drive, have no insurance, or drivers' licenses;
- ✓ Create and sell, or use, false identification;⁸
- ✓ Use false identification to register to vote; and
- ✓ Steal other people's identities.

"While our investigators have not seen a tremendous increase in illegal alien related crimes in the county, the numbers are increasing in the cities. It has been a slow, but steady increase and there is no reason to suspect that this trend won't continue. Crimes related to illegal aliens will eventually reach into our rural areas if we do nothing about them."

*-Don Cabana, Ph.D.
Warden, Harrison County
Jail
Harrison County, MS*



These are often incorrectly labeled "victimless" crimes. However, they are crimes that significantly affect the lives of law-abiding citizens, legal immigrants, and visitors.

During the meeting, participants were asked to discuss the most common crimes related to illegal immigrants that they could see occurring in their communities. They described crimes by and against illegal immigrants and the difficulties surrounding many of these crimes. According to the local law enforcement participants, the most prevalent crimes (besides the use of fake identification) committed by illegal immigrants in Mississippi currently includes illegal use of drugs, domestic violence, driving under the influence (which has resulted in fatalities), lack of automobile insurance, vandalism, hit and run, theft, assault, and disorderly conduct.

Alien gangs, though not prevalent in Mississippi in the past, are now expanding into areas in and



Costs include the time and resources of the responding agencies—police, fire, and emergency medical personnel. If prosecuted, there are justice system costs as well. All of this is ultimately born by the taxpayer. In an already financially strapped public safety system, the addition of crimes by and against illegal aliens strains the system and its resources even more.

around Mississippi. These gangs bring with them an increase of organized crime operations such as brothels, prostitution, drug manufacture and sale, money laundering, document fraud, murder, and other crimes. Deported individuals often maintain their ties to gangs in the United States, resulting in the extension of criminal enterprises into other countries. Hispanic gang members find it easier to access drugs and weapons in their home countries and courier the items back to the United States rather than to conduct their operations within the United States. U.S. currency used to pay for drugs and weapons is easily exchanged and has a much higher value in many foreign countries.⁹

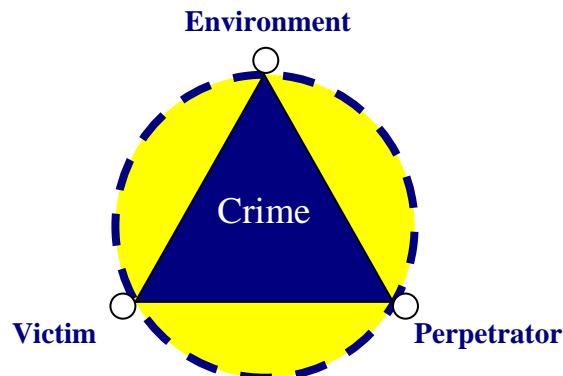
Murder; extortion; manufacture, sale, and use of illegal drugs; rape and sexual assault; and other violent crimes, while already found in the United States, are also increasing where illegal immigrant communities exist, especially where alien gangs are settling. Gangs remain the primary distributors of drugs throughout the United States, according to the FBI. In addition, gang members in the United States are associated with Mexican drug organizations, Asian criminal groups, and Russian organized crime groups.¹⁰ These are not victimless crimes. Nor is there any reason to believe that the patterns seen nationwide do not exist in Mississippi. Eight out of ten of ICE's Top Ten Most Wanted Aliens are on the list for being child predators.¹¹

Unfortunately, it is difficult to identify and solve some of these crimes. Mistrust, communication barriers, and cultural knowledge barriers all contribute to the added difficulty involved in solving crimes related to illegal immigrants. For example, the FBI currently has a John Doe case on the Mississippi Gulf Coast of an unknown Hispanic male who was shot and left in a bag on the side of a road. One problem with identification of this person may stem from a lack of effective communication within the Hispanic community on the Gulf Coast, especially if this person is an illegal immigrant.

However, the most common crimes against illegal immigrants generally include assault, mugging, extortion, theft, burglary/home invasion, and other crimes of opportunity. Illegal immigrants often have no bank accounts and carry cash with them, making them vulnerable to predators. They are termed by their attackers as "walking ATMs." Some of these crimes against illegal immigrants are committed by other illegal immigrants.

One municipality provided crime data showing the total number of Hispanic arrests over a multi-year period, most of which are attributed to illegal immigrants. Data showed that these arrests had increased from 170 in 2003 to 1,123 by 2006. This same community has begun working with a local university, MDPS and other groups to offer Spanish language Mississippi Alcohol Safety Education Program (MASEP) classes for non-English speaking people who get tickets for driving under the influence (DUI).

Several meeting participants stated that within the illegal community, there may be crimes going unreported due to mistrust and fear of deportation. Other types of non-violent crimes may include the illegal use of false or stolen identification documents to get jobs, to register to vote, or to receive medical, social, or other benefits.





Document/Identification Crimes

The difficulty of accurately identifying an illegal immigrant highlights the real challenge facing many law enforcement agencies not just in Mississippi but nationwide. Participants agreed that most illegal immigrants will use one or more aliases if arrested. If they have identification documents, they are either fake or stolen. Many illegal immigrants claim to have no identification when they are arrested. In some police stations, the same individuals may provide different aliases each time they are arrested. If their fingerprints are in the system, then it may be possible to identify them.

Creating false identification has become relatively easy in recent years. It is possible to buy equipment, templates, or IDs from the internet to create fake identification that is very difficult to detect. It is also very easy and inexpensive in some instances to purchase an entire set of documents—birth certificates, passports, social security cards, visas, drivers' licenses, and alien registration cards—that are stolen or fake. Stolen identities can harm the individual whose identity was stolen. Even randomly generated numbers for fake IDs can negatively impact otherwise law-abiding individuals.

Mississippi now ranks 36th in the nation for identity fraud—up from 39th, just three years ago.



Mississippi has recently seen several very prominent identity fraud cases related to illegal immigrants—three of these cases occurred this year.

In 2003, congressional investigators from the Government Accountability Office (GAO) proved that using clearly fake IDs is relatively simple. Using fake birth certificates, utility bills, out-of-state licenses, and other falsified documents, they easily obtained genuine drivers' licenses in seven states. Not only were the fake documents never confiscated, law enforcement was never notified. Even when there were obvious matching errors with the fake documents, investigators were able to return to the same tellers, often the same day with changed documents and receive their drivers' license. In fact, using the same fake documents, GAO investigators were able to get three licenses in two days with one set of documents—all in the same state.¹² Ultimately, the GAO determined that states have very real security issues related to identification documents. While Mississippi was not part of this GAO study, there is no reason to believe that results would differ greatly if the same testing were done here.



OSA recommends that Mississippi evaluate its laws regarding drivers' licenses and determine if any changes to the law or to policies and procedures need to be implemented to protect the integrity of state identification documents.

In 2006, Mississippi was ranked 36 out of 50 states for identity fraud.¹³ Mississippi was ranked 39th in 2003. There has been a steady trend upward in the number of reported identity thefts in Mississippi since 2003. Stealing someone's identity is not a victimless crime. In addition, stolen and fraudulent documents are a threat to national security, especially when it is so easy to use them to get legitimate documents.

Mississippi has had several high profile document/identity fraud cases recently. In addition, creating, selling, and using false IDs may be occurring daily in Mississippi without detection. Below are four recent examples of identity fraud related to illegal immigrants and tied to Mississippi.



Recent Document Fraud Cases in Mississippi

One of the most famous document fraud cases in Mississippi potentially involved the terrorist organization Abu Sayyaf, a foreign terrorist organization with known ties to Al-Qaeda. On May 20, 2005, Dunn Lampton (U.S. Attorney for the Southern District of Mississippi) along with the ICE Special Agent-in-Charge announced sentences for two men who pled guilty in a conspiracy to sell false documents using stolen identities to people they thought were members of Abu Sayyaf. The documents they produced included Mississippi identification cards, Social Security cards with Mississippi numbers, and Mississippi birth certificates. The conspirators knew that Abu Sayyaf was a terrorist organization. The asking price for five sets of stolen identities and fraudulent documents was \$50,000 cash and \$50,000 worth of heroin.¹⁴

In January 2007, four illegal immigrants living in Biloxi, Mississippi, were sentenced after their document fraud ring was discovered by ICE. They will serve ten years in prison and then be deported. They were convicted of making hundreds of fraudulent Social Security cards and alien registration documents for other illegal immigrants. Besides the document making equipment that was seized, 15 other illegal immigrants were arrested and face deportation.¹⁵

In March 2007, Laurel police officers arrested an illegal alien who was alleged to have provided false Social Security cards, drivers' licenses, and resident alien cards to other illegal immigrants. The person arrested charged \$40 per Social Security card—the numbers were randomly assigned using 427 and 428 as the first three digits. Tax information showed that these false Social Security numbers affected Mississippians living in other parts of the nation, by making them appear to be working in Mississippi.¹⁶

On July 13, 2007, ICE, in a cooperative investigation with DPS, Mississippi Bureau of Investigations, and the Mississippi Highway Patrol, arrested a DPS Division of Driver Services employee, her spouse, two Mexican nationals, and one Uzbeki national for their role in a drivers' license fraud scheme that allegedly sold Mississippi drivers' licenses to illegal immigrants for approximately \$2,000 each. According to ICE, the employee's role was to create computer records for the illegal aliens seeking a license. These were illegal immigrants who had not passed a driving test and who were in the country without authorization.¹⁷

These are only a few of the more notable crimes reported. The individual use of fraudulent documents appears to be fairly prevalent. Some participants of the May meeting noted that they might see the same person arrested more than once, but with different identification each time. The use of fingerprinting systems helps to accurately identify offenders with multiple aliases.



Several summit participants expressed the need for specialized training to identify fraudulent documents.

In addition, numerous participants expressed an interest in training to better identify fraudulent documents. Participants also discussed their frustration with prosecuting document fraud cases. They might believe they had a viable case, but they had difficulty getting it through the court system. One participant noted that if there was a problem prosecuting it as a felony (fraudulent documents) in the Circuit Court system, then the same case could be prosecuted as a violation of the False Identification Act in Justice Court. Such a conviction, while only a misdemeanor, carries a \$5,000 fine and up to one year in jail.

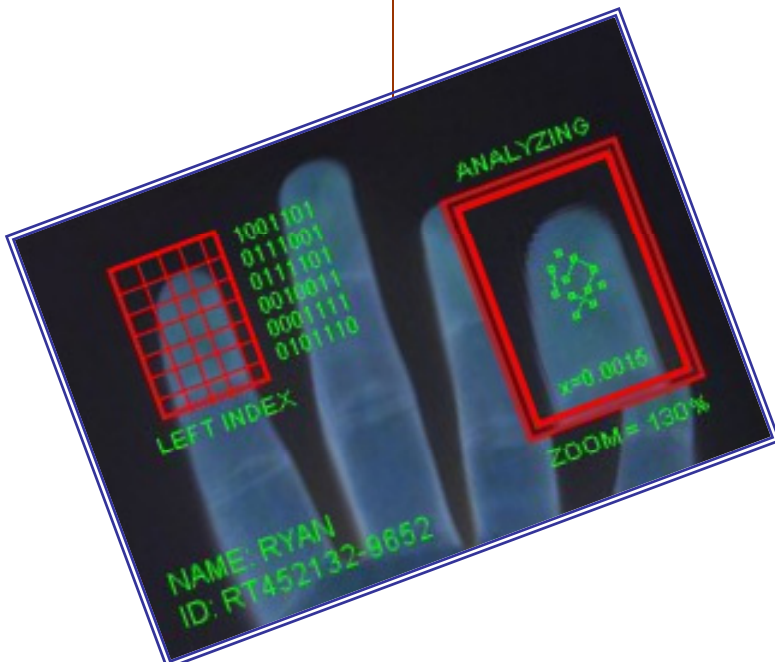
Arrest & Accurate Identification



One of the most difficult issues facing local—and sometimes state—law enforcement is the timely and accurate identification and determination of the immigration status of those arrested and other crimes they may have committed under other names and aliases. While some jurisdictions have systems connected to the Mississippi Criminal History System (MCHS), others in Mississippi still do not have the financial or technical resources to tie-in to this system electronically. Still others may not routinely run fingerprints on minor crimes. Analysis of crime trends in other states shows how critical it is for Mississippi law enforcement to have and to use such tools and resources.

The cost of equipment and technology is always an issue—especially in rural areas. The Mississippi MCHS is a comprehensive system that includes the well-known AFIS (Automated Fingerprint Identification System) fingerprint database, as well as information such as names/aliases, biographical information, and prior arrests. Local law enforcement entities do not need an individual AFIS system or subscription and should not solely rely on a separate system not tied to the State.

Local law enforcement can tie-in to the MCHS system at DPS by purchasing a “live scan” unit. They can get information back within 20 minutes from the State database and





within two hours from the FBI database. In addition, any information on current arrests can be added to the MCHS system for future use. For any local governments that use fingerprint cards, they should send those cards to DPS. Then, at no charge, DPS will add those to the State database as well.

These live scan machines cost no more than \$50,000 apiece for a durable unit that could be used in a booking room. However, the U.S. Justice Department, through Homeland Security grants, may pay as much as 80% of the cost. This means that the cost of one of these units to a local government may only be about \$10,000 if they apply for a grant. Currently, DPS, whose MCHS facility was opened in 1998, reports that only about 33% of all county sheriffs' offices are connected to their system. They would like to see 100% of local governments tied to this system. Counties and municipalities can make joint agreements to buy these units, and since the State has a procurement contract list for this and related equipment, they can purchase it at a discounted price using the state contract.¹⁸

OSA recommends that all law enforcement agencies in Mississippi have the necessary equipment, technology, and software to quickly and accurately identify criminals as they are processed. Further, OSA recommends that the Legislature invest in the crime prevention needs of local law enforcement.

The MDOC continues to research ways of accurately identifying illegal immigrants incarcerated in the State system. In addition to an upgraded and improved computer system installed three years ago, they currently use a three-point system to verify the immigration status of convicts. However, they face the same challenges with accurate, reliable identification as all other law enforcement agencies today. If there are no matches in the system they currently have available, law enforcement officials can only report what they receive from forwarded case records and personal interviews.

Another ICE program available for assistance to law enforcement in identifying illegal aliens at no charge is the Law Enforcement Support Center (LESC). This Center provides timely immigration status and identity information to local, state, and federal law enforcement agencies on aliens suspected, arrested, or convicted of criminal activity. LESC operates 24/7 using information from eight Homeland Security databases, the National Crime Information Center (NCIC), the Interstate Identification Index, and other state criminal history databases. All of these resources amount to well over 100 million records. ICE has conducted some LESC training in Mississippi, but more can be done. The use of this center has been proven to increase the speed and accuracy of immigration status determination for suspected illegal aliens who have been arrested, incarcerated, or convicted. **OSA recommends that all Mississippi law enforcement consider training and use of the LESC.**¹⁹

Communication is an important key to accurate identification of perpetrators and victims and to solving crimes. While the cost of having a multi-lingual government is prohibitive, it is necessary to have law enforcement staff who can accurately identify and communicate with non-English speaking victims and criminals to aid in the investigation and resolution of crimes. In today's world, multi-lingual law enforcement personnel are highly sought after, thus making them more expensive and more difficult to find. **OSA recommends the State consider ways to assist local entities most affected by the influx of non-English speaking immigrants—possibly through cooperative language training programs with schools, universities or community colleges, or through financial or other assistance.** These programs might help them train existing staff, hire additional staff, or contract with people who have the necessary language skills to effectively communicate with individuals who do not yet speak English.

"When we got there, we noticed there were a lot of illegals, and because of the language barrier we didn't know who was witness or suspect...so we pulled them all into one of our transport vehicles... We figured if we would have left them there, we might have had a hard time finding them again."

*-Sheriff Ronnie Pennington
Rankin County
Speaking to the Clarion-Ledger about an August 20, 2007 incident involving illegal aliens and homicide.*

According to the Clarion Ledger, (8/23/07) the Sheriff's Department brought in an outside bi-lingual officer to assist in the interrogations in this incident.





Bail, Bonds, & Detention

“Of the 14 people taken into custody Monday night, seven have been released to U.S. Immigration and Customs Enforcement and will be processed for possible deportation. The Sheriff’s Department is holding another five, who Pennington said he suspects are illegal immigrants.”

-Mark F. Bonner and Andrew Nelson. Clarion Ledger reporting on the August 20, homicide involving illegal aliens in Rankin County, MS (8/23/07).

Prior to Hurricane Katrina, the average daily criminal alien population incarcerated in Harrison County was very small. Today, however, the average number of incarcerated aliens on any given day is about 50.

-Don Cabana, Ph.D. Warden, Harrison County Jail Harrison County, MS

Once a suspected illegal immigrant has been arrested for a crime, they may be bonded out while awaiting their court date, as long as they have not committed any crime for which bail might be denied under Mississippi law. Once they are bonded out, they may not show up for their court dates. Depending on who arrested them and why they were arrested, they may qualify for an “immigration bail bond” instead of a more traditional bail bond. An illegal alien is eligible for an immigration bond if he or she has been arrested by ICE (or their delegate) and has been issued a Warrant of Arrest. Immigration bonds are like a criminal bail bond that guarantees the appearance of an individual in court. The amount of a bond is to ensure that the defendant will appear for all immigration proceedings. To be eligible, an alien must show that his release would not pose a danger to property or persons, and that he is likely to appear for all proceedings. Unfortunately numerous states are having to deal with illegal aliens who are bonded out, but who fail to appear at court dates or commit additional crimes while waiting for their court dates.

Once court dates are set, if the illegal immigrant fails to appear in court, the bonding company is responsible for the fee. In areas of Mississippi where the courts have begun issuing orders on the illegal immigrant offenders, this could end up being very costly to local governments who must then use their own resources to look for no-shows. In other states, some bonding companies will provide the bond to an illegal alien for far less than is recommended.

Nationwide, local governments, and to an extent state governments, are losing a significant amount of money from forfeited bonds that are unpaid. In 2004, North Carolina reported an annual loss of \$9 million, Connecticut was owed more than \$12 million (up from \$2.3 million only four years earlier), and other states such as South Carolina, Virginia, Nevada and New Jersey were also owed many millions of dollars in unpaid, defaulted bonds—a growing number of which are tied to illegal immigrants.²⁰ This is a potentially serious problem for Mississippi. One Mississippi municipality has recently had meetings about this issue as the courts have started issuing orders for these immigrants to come to court. Bail bondsmen do not have sufficient collateral and do not know how to locate many of these individuals.²¹ It will be up to the bonding companies’ insurance to pay.

One state, Arizona, overwhelmingly (78% of voters) passed Proposition 100 in 2006. This change to the Arizona constitution denies bail for felony defendants when “proof is evident or the presumption is great” that the defendant committed a crime and is in the United States illegally. Bail cannot be denied for misdemeanors in Mississippi and currently no Mississippi law denies bail based on immigration status. **OSA recommends that the Legislature examine current laws governing bonds and bail bonds to determine if changes are needed with regards to illegal immigrants who commit crimes in Mississippi.**^{22,23} Care should be taken to continue to protect the rights of those who are innocent until proven guilty.

If ICE is contacted about an arrest, then the illegal immigrants may be removed from local incarceration and transported to a federal holding facility. There are no federal adult or juvenile holding facilities in Mississippi for illegal immigrants. The closest ones are in Louisiana (3+ hours away) for adults and even further (in the midwest) for juveniles. While adult illegal immigrants have a fairly complex process to go through to be placed in federal detention facilities, law enforcement must follow an entirely different and even more complex set of procedures where juvenile detainees are concerned.

The process for apprehending, processing, transporting, and detaining juvenile aliens involves multiple U.S. agencies within, as well as external to, the U.S. Department of Homeland Security.²⁴ Once a juvenile is detained, they may not be placed in the adult



There are no federal holding facilities in Mississippi for juvenile or adult illegal immigrants awaiting deportation.

Mississippi should pursue an adult and juvenile detention facility to decrease the time and costs associated with transportation to facilities outside the State.

Sanctuary policies are prohibited by federal law. The Mississippi Legislature should pass additional state legislation prohibiting sanctuary policies in conjunction with federal law.

population. There must be officers with them during their stay. The transportation and housing expenses are very costly. **OSA recommends the State pursue an adult and juvenile federal holding facility for illegal immigrants detained in Mississippi to decrease the time and financial costs associated with transporting them to facilities outside the State.** If Mississippi pursues a federal holding facility for juveniles, emphasis should be placed on separating delinquent juveniles from non-delinquent juveniles. The Office of the Inspector General found that INS (now ICE) did not always segregate these two groups, to the detriment of the non-delinquents.²⁵

Having juvenile and adult federal holding facilities in Mississippi would provide local and state law enforcement an appropriate location to house illegal immigrants, without overcrowding their own resources. When illegal immigrants are incarcerated in non-federal detention centers, jails, or prisons, the State or local entity may apply for federal assistance to help recover costs. This federal program is called the State Criminal Alien Assistance Program (SCAAP). It does not pay for all incarcerated aliens, nor does it pay their actual costs of incarceration, but it can offset the total amount needed to house the illegal immigrants in local or state facilities. The SCAAP program reimburses these jurisdictions for criminal aliens who were convicted of a felony or two misdemeanors; and who were incarcerated for a minimum of 4 days; and who entered the U.S. without inspection, or were in immigration removal proceedings at the time they were taken into custody; or were admitted as a non-immigrant and failed to maintain non-immigrant status. (Fiscal year 2003 and 2004 SCAAP guidelines.)

The Bureau of Prisons' cost to incarcerate criminals and reimbursements to state and local governments under SCAAP – totaled approximately \$5.8 billion for calendar years 2001 through 2004. Their cost to incarcerate criminal aliens increased 14% in those years. Federal reimbursements for incarcerating criminal aliens in state prisons and local jails declined from \$550 million in 2001 to \$280 million in 2004, due to a reduction in congressional appropriations.²⁶ This reduction is apparent from Mississippi's reimbursement. The Mississippi Department of Corrections SCAAP reimbursement for 2006 was \$51,187. While this represents almost the same number of criminal aliens (93 in 2006), the State was reimbursed \$196,019 in 2002 for 100 prisoners.

Unfortunately, very few local governments take advantage of this program at this time. Mississippi's failure to assess and document immigration status prevents local and state law enforcement from receiving federal assistance for costs. In addition, lack of accurate identification and assessment of immigration status may allow criminal aliens to remain free when they might be able to be deported or taken into federal custody. **OSA recommends that local governments join the State in applying for SCAAP funds to offset the cost of incarcerating criminal illegal aliens.**

As some states try to reduce the number of illegal aliens, especially those who commit serious crimes, who are residing in their states, they are running into problems with sanctuary policies in some communities. Sanctuary policies are illegal under federal law.²⁷ These policies prohibit government employees from asking about immigration status or informing federal immigration authorities about the presence of illegal immigrants. Sanctuary policies are sometimes likened to aiding and abetting criminals. These policies have been linked to violent alien criminals becoming repeat offenders, whose crimes include murder and manslaughter, but who have not been deported after the first offense. These "safe havens" are known to attract illegal immigrants and make living undetected in the U.S. easier. Several cities throughout the nation that have sanctuary policies have come under fire recently due to high profile illegal immigrant crimes that resulted in fatalities. **OSA recommends the Legislature pass legislation, with penalties, prohibiting "sanctuary communities" or "sanctuary" policies or practices anywhere in Mississippi in accordance with federal law.**



Growth of Alien Gangs

There are more than 800,000 gang members in the U.S. today. There are just over 700,000 law enforcement officers nationwide.

With any influx of illegal immigrants, there will be a growth of alien gangs who prey on other immigrants, as well as use the immigrant influx to mask their own arrival. Nationwide, ICE estimates that there are more than 800,000 gang members active today. Unfortunately, the United States only has about 700,000 law enforcement officers to combat the problem.²⁸

These gangs are involved in extortion, drug trafficking, prostitution, and murder. While this region has not generally had to worry about alien gangs, they are now at our doors—front and back. Illegal alien gangs have begun to move into the Southeastern United States in a noticeable way. In addition, they are not just in highly populated urban areas. Many of these gangs have found that suburbs and rural areas are unprepared for them, and they can more easily establish their presence without fear of being caught or controlled. Hispanic gangs are not a new phenomenon in the United States; however, they have increasingly become a concern for law enforcement agencies in recent years.²⁹

The 2001 National Youth Gang Survey reported that 49 percent of all gang members nationwide were Hispanic/Latino, an increase of 2 percent from 1999 survey results.

In addition, gangs indetified and targeted by law enforcement may migrate to areas where law enforcement is unfamiliar with them and where they are freer to continue their criminal activity. The FBI reports that Hispanic gang members take advantage of the language and cultural obstacles posed to law enforcement in areas where there has not been a very large Hispanic population in the past.³⁰

Unlike the gang activity most of the nation has been used to, these primarily illegal immigrant gangs tend to be more violent. All gang members use the phrase “blood in, blood out” to denote their lifelong commitment to their gang. Many alien gangs—Hispanic, Asian, European—take this meaning very literally. A member sheds blood to join, and if they ever try to quit their gang, they are hunted down and murdered by their own members. To members of these gangs the phrase “blood in, blood out” really is for life. While most of these gangs had their start on the East Coast (Russian Mafia) or the West Coast (Mexican Mafia, Mara Salvatrucha), they have developed

intricate networks and have spread across the entire United States.

One gang, Mara Salvatrucha—more commonly known as MS-13—is considered the most violent organized gang in the world today. The FBI now reports that MS-13 and several other violent alien gangs have established a presence in Mississippi as of this year.

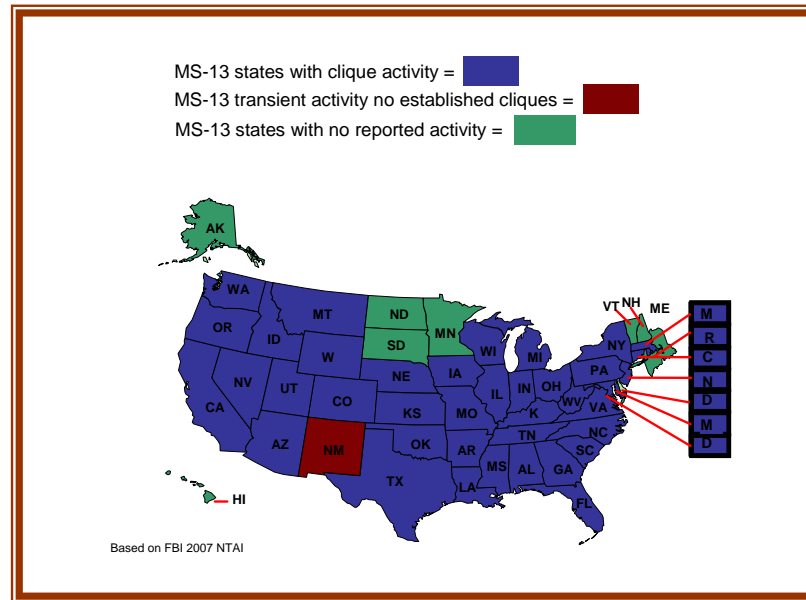
Harrison County, Mississippi jail warden Dr. Don Cabana reports having at least three known members of this vicious, brutal gang in its adult detention facility. Although they do not appear as such, they are a sophisticated gang using technology and planning to take control of territory. The FBI considers MS-13 to be the most dangerous international gang today. In 2003, they established a special task force just to deal with this gang, which is now in 42 states, Central and South America, Europe,

MS-13 has established a presence in Mississippi according to local law enforcement in Mississippi and the FBI.





and Canada. MS-13 began as an El Salvadoran/Honduran immigrant gang in California in the 1980s. ICE and the FBI estimate that the majority of members are Hispanic illegal immigrants. However, now they are known to have recruited at least two Caucasians and at least one Middle Eastern member.



Source: FBI, June 2007

Approximately 31% of law enforcement officials surveyed in the 2005 Gang Threat Assessment report stated that their communities either denied the problem, had no response, or expressed no interest in it. Several officials added that their communities did not respond to the gang problem until high-profile gang-related incidents and homicides escalated.

Other alien gangs present in Mississippi include the Mexican Mafia and Latin Kings. There may be other gangs trying to establish a presence here as well. Two gang task forces exist in Mississippi, one in Gulfport and one in Jackson. Their efforts need to be expanded to include other areas of the state that may be vulnerable to an influx of gang activity. While Mississippi has anti-gang laws, they are primarily civil in nature.³¹ Further, **the anti-gang laws in Mississippi should be reviewed to determine if changes are needed. OSA recommends additional assistance for state and local law enforcement to plan for and combat alien gangs.**

In addition to public safety organizations, parents, schools, and the Mississippi State Department of Education should be aware of recruiting techniques used by these gangs. Often called “netbanging” or “cyberbanging,” these gangs have been known to brag about murders, set up hits and gang fights, recruit members, and generally tell each other about their gang affiliations using the internet. Places like MySpace.com and Geocities are favorites among many gang members. Gangs are known by police and federal authorities to recruit children as young as eight years old using the internet. However, police and federal authorities have begun using these sites to track and arrest gang members. Schools and parents should be aware of this use of the internet, though.

Approximately 31 percent of law enforcement officials surveyed in the 2005 Gang Threat Assessment report stated that their communities either denied the problem, had no response, or expressed no interest in it. Several officials added that their communities did not respond to the gang problem until high-profile gang-related incidents and homicides escalated. This is borne out by the New Jersey Attorney General’s recent mandate to determine immigration status of suspected illegal aliens who are arrested by state and local law enforcement in response to the gang related murders of three New Jersey high school students.³²



Human Trafficking, Prostitution, & Brothels

Another type of crime that is becoming more prevalent in the Southeast is immigrant prostitution and brothels created mainly for the single male illegal immigrant. Nashville, Tennessee, a city that has seen tremendous growth in its illegal immigrant population, must now combat illegal Hispanic immigrant brothels in its suburbs as well. The FBI has joined with Nashville law enforcement to try to stop the growth of this vice for illegal immigrants. Other states that are trying to combat this new problem include Maryland, Oklahoma, Virginia, Washington, D.C., Texas, Alabama, and North Carolina. These brothels are generally found in suburbs—rental houses, apartment complexes, and trailer parks, although they have also been found to be run out of motels.

A brothel that operated for years in a Northeast Alabama trailer park took in as much as \$800,000 annually and may have forced some young Latin American women to work as prostitutes in return for being smuggled into the United States, according to police from Albertville, Alabama, in March 2007.³³ Most of these new brothels use very young illegal immigrant females. Often, Latin American women are smuggled into the United States for the sole purpose of prostitution.

Human trafficking and smuggling are heinous crimes that bring nothing but grief and often death to the victims. It is a worldwide problem, with many Asian and Southeast Asian countries having the biggest problems.³⁴ Each year, according to a 1999 report by the Central Intelligence Agency, between 45,000 and 50,000 women and children are trafficked as slaves into the United States from Asia, Europe, Latin America, India, and Africa.³⁵ There has always been prostitution in the United States, but now there is this added layer of young illegal immigrant girls falling prey to human traffickers. Further, it has moved into the Southeast part of the United States.

ICE and the FBI have ongoing programs to try to reduce human trafficking and slavery from all parts of the world. Mississippi, like many other states, also has human trafficking laws. However, these laws have not stopped the growth of this vice. **OSA recommends that Mississippi laws be evaluated to determine if changes are needed to combat the growing problem of human trafficking and prostitution and to prevent it from spreading even more here in Mississippi.**



Conclusion

In light of the growing illegal immigrant population and the subsequent increase in related crimes, Mississippi needs a comprehensive State plan to deal with the issue.

Mississippi law enforcement has the authority to protect law abiding citizens. This includes the authority to enforce immigration laws.

This is no longer an issue Mississippi can afford to ignore.

Mississippi has comprehensive plans for emergency disaster situations, for communications, and many other important areas of concern. In light of the growing illegal immigrant population and increasing crimes related to this growth, Mississippi must create and implement a comprehensive statewide plan that targets specific areas of the state with the largest illegal immigrant crime problems first, with plans to expand it as needed throughout other parts of the state.

It is a misnomer that states have no authority to try to control the influx of illegal immigrants. There are multiple federal opinions and laws, in addition to our inherent states' rights, that allow us to protect our citizens. As other states tighten their laws, illegal immigrants will go where they can live without too much trouble. Mississippi does not need the added burden of illegally present individuals who may break further laws while they are here. However, Mississippi must have a plan of action for the future that includes better communication at the local level, better technology and identification systems, more training and planning, and better record keeping to verify numbers and costs associated with illegal immigrants. This is no longer an issue Mississippi can afford to pretend doesn't exist. If we do, then as other states strengthen their laws, we will see even more illegal immigration come to Mississippi, and with it will come the added crimes discussed in this report.

The ancillary impact of the recommendations in this report include anti-gang initiatives that will work on American and local gangs, fingerprinting units that can be used for any individual who is arrested, regardless of immigration or citizenship status, stronger and more secure identification practices, and safer communities.

OSA extends its thanks and appreciation to those in the law enforcement community who gave up their time to participate in the meeting which has resulted in this report.





Findings & Recommendations

Finding #1: Mississippi's illegal immigrant population has grown tremendously since Hurricane Katrina. With this increase has come a growth in illegal immigrant related crimes. These crimes cost additional taxpayer dollars to investigate and prosecute in an already overburdened state and local law enforcement system. In addition, with the influx of illegal immigrants has come alien gangs. These gangs are very dangerous and difficult to control and only add to the crimes being committed. (pages 1-4)

Recommendation #1: OSA recommends that the State, in conjunction with local law enforcement create a comprehensive statewide public safety plan for crime related to illegal immigrants. It should target specific areas of the state with the largest illegal immigrant crime problems first, with plans to expand it as needed throughout other parts of the state. It should include items mentioned throughout this report. (pages 1-2)

Finding #2: There are a number of avenues available for State and local police to enforce federal immigration laws. One of those ways is through a Memorandum of Agreement (MOA) with the U.S. Justice Department. The use of the MOA is known as a "Section 133" Agreement or the "287(g)" Program. (page 6)

Recommendation #2: OSA recommends that the State and local governments seriously consider participating in the 287(g) Program, especially in areas where growing numbers of illegal immigrants may be mixing with the legal immigrant population. In addition, OSA recommends that the Legislature consider providing funding specifically to assist in training of law enforcement entities that wish to pursue the 287(g) Program. (page 6)

Finding #3: Although the illegal immigrant population has increased significantly in the last several years, there has been no increase in the number of ICE Enforcement agents. (page 6)

Recommendation #3: OSA recommends that the State request more ICE agents be placed in Mississippi to assist local and State efforts to curtail the growth of illegal immigrants in Mississippi. (page 6)

Finding #4: Law enforcement doesn't always attempt to assess the immigration status of those arrested for committing various crimes. They may be losing opportunities to deport violent criminals and they may be reimbursed for holding illegal aliens. (page 7)

Recommendation #4: OSA recommends that law enforcement make an effort to accurately assess the immigration status of suspected illegal immigrants. In addition, OSA recommends that Mississippi evaluate its laws regarding drivers' licenses and determine if any changes to the law or to policies and procedures need to be implemented to protect the integrity of state identification documents, which will in turn help in the identification process. (page 7)



Finding #5: Illegal aliens often have fake or stolen documents, which they can use to get legitimate identification cards, such as drivers' licenses. The federal government has already found that many states do not have processes in place to protect the integrity of their state identification documents. Mississippi has seen several large-scale document fraud/identification crimes committed in the last few years. (pages 9-11)

Recommendation #5: OSA recommends that Mississippi evaluate its drivers' license laws and determine if any changes to the law or to policies and procedures need to be implemented to protect the integrity of state identification documents. (page 10)

Finding #6: One of the most difficult issues facing local—and sometimes state—law enforcement, is the timely and accurate identification and determination of immigration status of those arrested. While some jurisdictions have systems connected to AFIS (Automated Fingerprint Identification System) or the MCHS (Mississippi Criminal History System), others in Mississippi still do not have the financial or technical resources to use this system. (pages 11-12)

Recommendation #6: OSA recommends that all law enforcement agencies in Mississippi have the necessary equipment, technology, and software to quickly and accurately identify criminals as they are processed. Further, OSA recommends that the Legislature invest in the crime prevention needs of local law enforcement and that purchases made capitalize on the state procurement contract and U.S. Department of Justice grants for additional savings on necessary equipment. (page 12)

Finding #7: ICE maintains a center, the Law Enforcement Support Center (LESC), which operates 24 hours a day, seven days a week and 365 days a year to assist law enforcement in assessing the immigration status of suspected illegal aliens. The LESC is an important resource for law enforcement officers regarding aliens suspected, arrested, or convicted of criminal activity with access to over 100 million records in its databases. While the Mississippi Department of Public Safety has had some training, other law enforcement entities throughout Mississippi could benefit from the LESC. (page 12)

Recommendation #7: OSA recommends local and State law enforcement entities strongly consider the use of the LESC as an inexpensive way to better assess the correct immigration status of any individual arrested, convicted, and/or incarcerated in Mississippi who is suspected of being an illegal alien. (page 12)

Finding #8: Communication is an important key to accurately identify and solve crimes. It is necessary to have law enforcement staff who can communicate with non-English speaking victims and criminals to aid in the investigation and resolution of crimes, as well as accurate identification of criminals and victims. (page 12)

Recommendation #8: OSA recommends the State consider ways to assist local entities most affected by the influx of non-English speaking immigrants—possibly through cooperative language training programs with schools, universities or community colleges, or through financial or other assistance. These programs might help them train existing staff, hire additional staff, or contract with people who have the necessary language skills to effectively communicate with individuals who do not yet speak English. (page 12)



Finding #9: Once a suspected illegal alien has been arrested for a crime, they may be bonded out while awaiting their court date, as long as they have not committed any crime for which bail might be denied under Mississippi law. Once they are bonded out, they may not show up for their court dates. Nationwide, local governments, and to an extent state governments, are losing a significant amount of money from forfeited bonds that are unpaid and additional crimes are being committed by these illegally present individuals. (page 13)

Recommendation #9: OSA recommends that the Legislature examine current laws governing bonds and bail bonds to determine if changes are needed with regards to illegal aliens who commit crimes in Mississippi. (page 13)

Finding #10: There are no federally approved holding facilities in Mississippi for juvenile or adult illegal immigrants who are awaiting deportation—they must all be transported out of state at significant costs. (pages 13-14)

Recommendation #10: OSA recommends the State pursue an adult and juvenile federal holding facility for illegal immigrants detained in Mississippi to decrease the time and financial burden associated with transporting them to facilities outside the State. In addition any youth facility should segregate delinquent from non-delinquent youths. (page 14)

Finding #11: Sanctuary policies are illegal under federal law. These policies prohibit government employees from asking about immigration status or informing federal immigration authorities about the presence of illegal immigrants. (page 14)

Recommendation #11: OSA recommends the Legislature pass legislation, with penalties, prohibiting “sanctuary communities” or “sanctuary” policies or practices anywhere in Mississippi in accordance with federal law. (page 14)

Finding #12: With any influx of illegal immigrants, there will be a growth of alien gangs who prey on other immigrants, as well as use the immigrant influx to mask their own arrival. These gangs are known for extortion, drug trafficking, prostitution, and murder. (pages 15-16)

Recommendation #12: OSA recommends additional assistance for state and local law enforcement to plan for and combat alien gangs. Further, the anti-gang laws in Mississippi should be reviewed to determine if changes are needed. (page 16)



Finding #13: Mississippi local law enforcement and local courts bear the majority of the cost burden associated with illegal alien-related crime. The federal government has a program called the State Criminal Alien Assistance Program (SCAAP) that provides limited cost reimbursement assistance for incarcerated criminal aliens. (page 14)

Recommendation #13: Where possible, local governments should apply for SCAAP funds to be reimbursed for the costs of incarcerating illegal immigrants. Further, the State should consider other ways to assist local governments with these costs. (page 14)

Finding #14: In most of the states surrounding Mississippi, there is a growing problem with illegal immigrant-oriented brothels. Many of these brothels are being found in suburban areas not normally prone to crime of that sort. These brothels use young illegal immigrant females who are often forced into a form of human slavery. Mississippi has anti-human trafficking laws that make such activities a crime; however, they do not specifically address the issue of illegal immigrant brothels. (page 17)

Recommendation #14: OSA recommends that Mississippi laws be evaluated to determine if changes are needed to combat this growing problem and to prevent it from spreading here in Mississippi. (page 17)



End Notes

- ¹ Van Hook, Jennifer, Frank D. Bean, and Jeffrey Passel. 2005. "Unauthorized Migrants Living In The United States: A Mid-Decade Portrait." Migration Policy Institute.
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- ⁴ Stana, Richard M. April 7, 2005. "Information on Criminal Aliens Incarcerated in Federal and State Prisons and Local Jails." U.S. Government Accountability Office (GAO). GAO-05-337R.
- ⁵ Kelly, David N. (US Attorney). July 2005. Letter to ACLU Immigrants Rights Project. U.S. Department of Justice. This letter released a 2002 U.S. Attorney General Opinion reversing a 1996 opinion. The subject of the opinion is *Non-preemption of the authority of state and local law enforcement officials to arrest aliens for immigration violations.*
- ⁶ 8 USC 1325 "Improper Entry by Alien," 18 USC 911 "Citizen of the United States" states that "Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both." (It is a felony to falsely claim to be a U.S. citizen.), 18 USC 1546. "Fraud and misuse of visas, permits, and other documents"; 8 USC 1324a "Unlawful Employment of Aliens" can lead to fines of up to \$3,000 per violation and up to 6 months in jail or both.
- ⁷ Known as the Anti-Human Trafficking Act (§97-3-54, et al. Mississippi Code of 1972).
- ⁸ Mississippi law also addresses this in §45-35-13, "Unlawful Use of Cards."
- ⁹ Bureau of Justice Assistance, U.S. Department of Justice. 2005 National Gang Threat Assessment. In conjunction with the FBI, National Drug Intelligence Center, and Bureau of Alcohol, Tobacco, Firearms, and Explosives. Also, "Immigration and the Alien Gang Epidemic: Problems and Solutions." April 13, 2005. Hearing Before the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, U.S. House of Representatives, 109th Congress, First Session.
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- ¹¹ Immigration and Customs Enforcement, Office of Detention and Removal. "Most Wanted Fugitive Criminal Aliens."
- ¹² Cramer, Robert J., September 9, 2003. "Security: Counterfeit Identification and Identification Fraud Raise Security Concerns." U.S. Government Accounting Office (GAO). GAO-03-1147T. Also, Hager, Bob and Bob Sullivan. September 9, 2003. "Fake Drivers Licenses Easy to Obtain-Terror Loophole." MSNBC and NBC News. www.stevequayle.com/News.alert/03_Global/030909.fake.licenses.html
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- ¹⁶ Fincher, Brandon. March 14, 2007. "Illegal ID takedown." Laurel Leader-Call. www.leadercall.com/homepage/local_story_073124547.htm
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- ¹⁹ <http://www.ice.gov/partners/lesc/index.htm> and <http://www.ice.gov/pi/news/factsheets/081204lesc.htm> provide all relevant contact information about the LESC program.
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²² Bail and Recognizance is covered primarily under §§ 99-5-1 through 99-5-37, Mississippi Code of 1972 and in Article 3, section 29 of the Mississippi Constitution. Other codes apply as well.

²³ Bail, Bonds, and Bondsmen are primarily covered under §§83-39-1 through 83-39-31.

²⁴ Skinner, Richard L. September 2005. "A review of DHS' Responsibilities For Juvenile Aliens." Office of Inspections and Special Reviews, Office of the Inspector General. Report OIG-05-45.

²⁵ "Semiannual Report to Congress: April 1, 2001 – September 30, 2001." Office of the Inspector General. Sub report "Unaccompanied Juveniles in INS Custody."

²⁶ "Information on Criminal Aliens Incarcerated in Federal and State Prisons and local Jails." April, 2005. U.S. Government Accountability Office. GAO-05-337R.

²⁷ Section 642 of the IIRIRA: "States and localities may not adopt policies, formally or informally, that prohibit employees from communicating with DHS regarding the immigration status of individuals."

²⁸ Testimony of Senator Diane Feinstein at Senate Judiciary Hearing. June 5, 2007.

²⁹ Bureau of Justice Assistance, U.S. Department of Justice. 2005 National Gang Threat Assessment. In conjunction with the FBI, National Drug Intelligence Center, and Bureau of Alcohol, Tobacco, Firearms, and Explosives. Also, "Immigration and the Alien Gang Epidemic: Problems and Solutions." April 13, 2005. Hearing Before the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, U.S. House of Representatives, 109th Congress, First Session.

³⁰ See footnote above.

³¹ Mississippi Street Gang Act. §97-44-3 through §97-44-19, Mississippi Code of 1972.

³² Milgram, Anne. August 22, 2007. Attorney General Law Enforcement Directive 2007-3. New Jersey Attorney General's Office. Also, Hepp, Rick, and Brian Donohue. August 23, 2007. "Cops Will Ask: Are You Legal? After Newark killings, AG Orders Police to Check Suspects' Immigration Status." The Star-Ledger. www.nj.com/printer/printer.ssf?/base/news-12/1187844492294960.xml&coll=1

³³ "Brothel grossed \$800K a Year." March 1, 2007. The Decatur Daily. www.decaturdaily.com/decaturdaily/news/070301/800k.shtml

³⁴ "Trafficking in Persons Report." June 2007. U.S. Department of Staff website: www.state.gov.

³⁵ Carl F. Horowitz. April, 2001. "An Examination of U.S. Immigration Policy and Serious Crime." Center for Immigration Studies.

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