

## Timeline of Immigration Reform in Prince William County, Va.

June 26, 2007

### **Initial resolution proposed by Supervisor John Stirrup**

- Require county police officers to inquire into immigration status of any person detained for violating state law or a municipal ordinance.
- Permit county personnel to share information regarding immigration status for the purpose of determining eligibility for public benefits and to verify legal domicile.
- Require the county police department to enter into a cooperative agreement with the Department of Homeland Security per 8 USC 1357(g).

July 10, 2007

### **Resolution unanimously passed by board of county supervisors**

- Require county police officers to inquire into immigration status of any person lawfully detained for violating state law or a municipal ordinance, if there is probable cause to believe the person is an illegal alien. Persons found to be in the United States illegally are to be transferred to Immigration and Customs Enforcement (ICE) for deportation.
- Permit county personnel to share information regarding immigration status for the purposes of determining eligibility for public benefits and verifying legal domicile.
- Require the county police department to enter into a cooperative agreement with the Department of Homeland Security (i.e., 287(g) program).
- Require the county executive to provide the board with a work session devoted to identifying which local benefits may be denied to illegal aliens.
- Petition President George W. Bush, Governor Tim Kaine and the Va. Congressional delegation to enact "meaningful immigration reform, which includes securing the borders of the United States."

October 16, 2007

### **Resolution resulting from above authorized work session (unanimously passed)**

- Create a Criminal Alien Unit within county police department and funding for 287(g) participation.
- Hire an independent consultant to monitor and evaluate immigration enforcement policies and prevent racial profiling.
- Initiate a public outreach effort regarding immigration reforms.
- Cease issuing business licenses to illegal aliens, per the recommendations of Virginia's attorney general.
- Prohibit illegal aliens from using the following services:
  - Adult services to allow elderly and disabled to remain in homes
  - Aging in-home services
  - Sheriff adult identification services
  - Rental and mortgage assistance programs
  - DORM (Adult Detention Center) substance abuse program
  - HIDTA (High Intensity Drug Trafficking Area) prevention program
  - Elderly/disabled tax relief program
  - Tax exemption for renovation/rehabilitation of residential properties

April 29, 2008

**Modify previous resolution regarding immigration status inquiries**

- Require county police officers to inquire into immigration status of any person arrested (and not just detained) for violating a state law or county ordinance.

For more information, contact:

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Director of Policy & Research

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## RESOLUTION

Offered by Supervisor John T. Stirrup  
June 26, 2007

**WHEREAS**, the Virginia State Code, Section 15-2-1700, states that any locality may provide for the protection of its inhabitants and property and for the preservation of peace and good order therein;

**WHEREAS**, the Prince William County Board of Supervisors has determined that illegal immigration is causing economic hardship and lawlessness in this County and that illegal immigration may be encouraged by public agencies within the County by failing to verify immigration status as a condition of providing public services.

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William County Board of County Supervisors does hereby amend the Prince William County Code as follows:

- A. All officials, agencies, and personnel of the County shall fully comply with and, to the full extent permitted by law, support the enforcement of federal law prohibiting the entry into, presence or residence in the United States of aliens in violation of federal immigration law.
- B. County Police Officers shall inquire into the citizenship or immigration status of any person detained for a violation of a state law or municipal ordinance, regardless of the person's national origin, ethnicity, or race where such inquiry does not expand the duration of the detention. In all such cases where a person indicates that he or she is not a citizen or national of the United States, the Police Department shall verify whether or not the person is lawfully present in the United States, pursuant to United States Code Title 8, subsection 1373( c ). If the person is verified to be unlawfully present in the United States, the Police Department shall cooperate with any request by federal immigration authorities to detain the alien or transfer the alien to the custody of the federal government.
- C. Pursuant to United States Code Title 8, sections 1373 and 1644, no official, personnel or agent of the County, including officers and personnel of the Police Department, may be prohibited or in any way restricted from sending, receiving, or maintaining, information regarding the immigration status, lawful or unlawful, of any individual, or exchanging such information with any other federal, state or local government entity for the following official purposes:

1. Determination of eligibility for any federal, state or local public benefit, service or license which is restricted, in whole or in part, to persons who are not United States Citizens or non-qualified aliens, pursuant to Virginia Code Ann. 32.1-325.03; Virginia Code Ann. 63.2 – 503.1; and United States Code Title 8, Section 1621;
  2. Verification of any claim of legal domicile within the County by a person who asserts that he or she is not a citizen, national or legal resident alien of the United States; where legal domicile is required by law or contract;
- D. The Police Department of the County shall as quickly as practicable enter into a cooperative agreement with the United States Department of Homeland Security, pursuant to United States Code Title 8, subsection 1357 (g), to designate specific County law enforcement officers qualified to exercise the enforcement powers of federal immigration officers in the United States; and to establish a protocol for the expedited transfer of verified illegal aliens into federal custody. The Police Department may negotiate the cooperative agreement or participate in its implementation in partnership with other state or local law enforcement agencies.
- E. The provisions of this section shall allow for a private right of action by any natural or legal person lawfully domiciled in this County to file for a writ of mandamus to compel any non-cooperating agency to comply with such reporting laws.

**MOTION: STIRRUP**

**July 10, 2007  
Regular Meeting  
Res. No. 07-609**

**SECOND: CADDIGAN**

**RE: IMMIGRATION - REAFFIRM COUNTY POLICY WITH RESPECT TO COMPLIANCE WITH FEDERAL LAW AND ISSUE DIRECTIVES INCIDENT TO SUCH REAFFIRMATION TO THE PRINCE WILLIAM COUNTY POLICE DEPARTMENT AND THE PRINCE WILLIAM COUNTY STAFF**

**ACTION: APPROVED**

**WHEREAS**, the Virginia State Code, Section 15.2-1700, states that any locality may provide for the protection of its inhabitants and property and for the preservation of peace and good order therein; and

**WHEREAS**, the Virginia State Code, Section 15.2-1200 states that "Any county may adopt such measures as it deems expedient to secure and promote the health, safety and general welfare of its inhabitants which are not inconsistent with the general laws of the Commonwealth"; and

**WHEREAS**, the Prince William Board of County Supervisors believes that legal immigration has been a benefit to Prince William County and the Commonwealth of Virginia, has enriched countless communities across our nation, and is one of the very bedrock principles upon which our thriving society is built; and

**WHEREAS**, the Prince William Board of County Supervisors has determined that illegal immigration is causing economic hardship and lawlessness in this County and that illegal immigration may be encouraged by public agencies within the County by failing to verify immigration status as a condition of providing public services;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors does hereby commend the Prince William County Police Department for rescinding General Order 26.05;

**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors hereby reaffirms County policy with respect to the County's compliance with federal law and does also hereby issue the following directives incident to such reaffirmation to the Prince William County Police Department and the Prince William County staff:

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Regular Meeting  
Res. No. 07-609  
Page Two

- A. Incident to any lawful detention for a violation of a state law or county ordinance, Prince William County Police Officers shall inquire into the citizenship or immigration status of the detained person if there is probable cause to believe such person is in violation of federal immigration law and when such inquiry will not expand the duration of the detention. During such an inquiry, where a person indicates that he or she is not a citizen of, or legally present in, the United States, the Police Department shall verify whether or not the person is lawfully present in the United States, pursuant to United States Code Title 8, Subsection 1373(c). If the person is verified to be unlawfully present in the United States, the Police Department shall cooperate with any request by federal immigration authorities to detain the alien or transfer the alien to the custody of the federal government. Pursuant to the foregoing, the Prince William County Police Department shall, consistent with applicable police practices and procedures, establish
- i) the appropriate standards for probable cause in such cases; and,
  - ii) the methods for verification of lawful presence in the United States in such cases. The Prince William County Police Department shall report back to Board of County Supervisors within sixty (60) days to update the Board as to the implementation of this directive.
- B. The Police Department of the County shall as quickly as practicable enter into a cooperative agreement with the United States Department of Homeland Security, pursuant to United States Code Title 8, Subsection 1357 (g), to designate specific County law enforcement officers qualified to exercise the enforcement powers of federal immigration officers in the United States; and to revise the Police Department immigration policy to incorporate the Adult Detention Center training and authority; and to establish a protocol for the expedited transfer of verified illegal aliens into federal custody. The Police Department may negotiate the cooperative agreement or participate in its implementation in partnership with other state or local law enforcement agencies.
- C. Except as otherwise restricted by federal or state law, no official, personnel or agent of the County, including officer and personnel of the Police Department, may be prohibited or in any way restricted from sending, receiving, or maintaining, lawfully obtained information regarding the immigration status, lawful or unlawful, of any individual, or exchanging such information with any other federal, state or local government entity for the following purposes:

1. Determination of eligibility for any federal, state or local public benefit, service or license which is restricted, in whole or in part, to persons who are not United States Citizens or non-qualified aliens, pursuant to Virginia Code Ann. 32.1-325.03; Virginia Code Ann. 63.2 – 503.1; and United States Code Title 8, Section 1621;
  2. Verification of any claim of legal domicile within the County by a person who asserts that he or she is not a citizen, national or legal resident of the United States; where legal domicile is required by law or contract;
- D. The County Executive shall, within ninety (90) days of the passage of this directive, provide the Board with a work session that outlines the enabling authority and legal conditions under which Prince William County provides public benefits and services to local residents.

This work session will assist the Board in identifying:

- i) those local public benefits that must be provided to county residents regardless of immigration status pursuant to state or federal law;
  - ii) those local public benefits that must not be provided to county residents who are unlawfully present in the country pursuant to state or federal law;
  - iii) those local public benefits for which the county has the discretion to require legal presence for the use of those services. This work session will also identify implementation strategies for verifying legal presence for those services for which the discretion to deny services to those who are not legally present exists, as well as the staff's analysis of the relative merits of exercising that discretion for each public benefit identified.
- E. The preceding directives shall be implemented in a manner fully consistent with federal law regulating immigration and protecting the civil rights of all citizens and aliens. They shall not be construed so as to prohibit the rendering of emergency medical care or any other public benefits mandated by federal or state law or the reporting of a crime or criminal activity to any law enforcement agency.

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**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors shall send a letter to our federal delegation in Congress and the President of the United States and the Governor of Virginia, advising them of the passage of this directive and requesting that they act expeditiously to enact meaningful immigration reform, which includes securing the borders of the United States to prevent unlawful entry into the country.

**Votes:**


**Ayes:** Barg, Caddigan, Covington, Jenkins, May, Nohe, Stewart, Stirrup

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None

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Clerk to the Board



**MOTION: STIRRUP**

**October 16, 2007**

**SECOND: MAY**

**Regular Meeting**

**Res. No. 07-894**

**RE: IMPLEMENT RECOMMENDATIONS DERIVED FROM THE  
ILLEGAL IMMIGRATION SERVICE ANALYSIS AND RESTRICT  
IDENTIFIED SERVICES**

**WHEREAS**, the Prince William Board of County Supervisors and the community have expressed concerns regarding the impact of illegal immigrants in Prince William County; and

**WHEREAS**, on July 10, 2007, the Prince William Board of County Supervisors, by Res. No. 07-609, directed staff to return to the Board in 90 days with:

Worksession that outlines enabling authority and legal conditions under which Prince William County provides public benefits and services:

- Local benefits that must be provided regardless of status.
- Local benefits that must not be provided to illegal immigrants.
- Local benefits for which there is discretion and the relative merits of exercising that discretion.
- In a manner fully consistent with federal law.
- Shall not be construed so as to prohibit the rendering of emergency medical care or any other public benefits mandated by federal or state law.
- Reporting of a crime or criminal activity to any law enforcement agency.

**WHEREAS**, On August 7, 2007, the Prince William Board of County Supervisors, by Res. No. 07-707, budgeted, appropriated and transferred \$900,000 to the Police Department for the purpose of supporting potential immigration enforcement policies; and

**WHEREAS**, County staff has analyzed all agency programs and services based on the direction given by the Prince William Board of County Supervisors and has provided a detailed report on that analysis to the Board; and

**WHEREAS**, staff has categorized Prince William County programs and services into the following categories:

- Services that are already restricted by law
- Services that cannot be restricted by law
- Services that are not but should be restricted
- Services that could be restricted but with cost, service and legal impacts
- Services that should not be restricted given the impact on the community
- Services that are provided for the benefit of the community as a whole and not individuals
- Services that are provided to support staff in their provision of service to the community

**WHEREAS**, the Police Chief reported to the Prince William Board of County Supervisors on September 18, 2007 regarding the department's efforts to ascertain legal status given probable cause and to enter into a 287(g) agreement with Immigration and Customs Enforcement (ICE) and the resources needed to implement that agreement; and

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Regular Meeting

Res. No. 07-894

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**WHEREAS**, the Police Chief proposals include the creation of a Criminal Alien Unit and appropriate staff increases to address the new immigration-related responsibilities; and

**WHEREAS**, on October 2, 2007, the Prince William Board of County Supervisors, by Res. No. 07-828, directed staff to a number of legislative initiatives at the state and federal level to support Prince William County's efforts to implement illegal immigrant enforcement; and

**WHEREAS**, on October 2, 2007, the Prince William Board of County Supervisors, by Res. No. 07-828 accepted the reports provided by the County Executive and the Police Chief and authorized the Police Department to make General Order 45 public pursuant to the Police Chief's recommendation; and

**WHEREAS**, on October 2, 2007, the Prince William Board of County Supervisors, by Res. No. 07-828, directed staff to explore a 287(g) agreement with Immigration and Customs Enforcement (ICE) at the Juvenile Detention Center similar to the 287(g) agreement at the Adult Detention Center with ICE;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors authorizes the creation of seven (7) FTEs in the Police Department – six detective positions and one crime analyst position – to create the Criminal Alien Unit;

**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors directs staff to engage in a public outreach effort to educate the public, particularly minority and/or immigrant communities, regarding this resolution and its implementation, with the purpose of promoting transparency and trust in Prince William County government;

**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors directs staff to enter into a partnership with an independent, non-partisan consulting group (such as the Police Executive Research Forum and/or an accredited Virginia College or University) to provide consultation and evaluation of the new police department policy. The evaluation will have a two-phase tracking and monitoring process:

- Phase 1 will be a preliminary report and collection of baseline data
- Phase 2 will be a final report to assess the effectiveness of the implementation of the new general order with respect to community outcomes, enforcement data, workload and the prevention of racial profiling.

The scope of the initial evaluation program shall be two years;

**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors directs staff to report to the Board on the progress and effects of their efforts on illegal immigration no later than August 5, 2008;

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**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors reaffirms its August 7, 2007 budgetary action and directs the staff to use up to \$575,000 of that funding to support police operations that may otherwise have been de-funded due to cuts in the State's HB599 funding, and to use any remaining funds to implement the Police Department's efforts in creating and training the Criminal Alien Unit and educating the community about the Department's new policies and procedures in the most expeditious manner possible;

**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors, recognizing the challenges that exist due to a projected revenue shortfall of \$10,000,000 in the FY2008 budget and remaining committed to addressing that shortfall in a fiscally responsible manner, directs staff to develop a proposal to balance the FY2008 budget in a manner that maintains funding for the Criminal Alien Unit;

**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors directs staff to implement processes that are consistent with state law and the existing County code to prevent business licenses from being issued to persons who cannot demonstrate legal presence, pursuant to the recommendations of the Attorney General of Virginia;

**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors directs staff to develop processes to restrict services identified in the attachment and report back to the Board;

**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors hereby thanks and congratulates staff on the tremendous work that was done in the interest of maintaining the Rule of Law in Prince William County and in comporting with existing county, state and federal policy that mandates denial of many taxpayer-funded services to individuals who are not legally present in the United States.

ATTACHMENT: Services recommended for restriction from illegal immigrants.

**Votes:**

**Ayes:** Barg, Caddigan, Covington, Jenkins, May, Nohe, Stewart, Stirrup

**Nays:** None

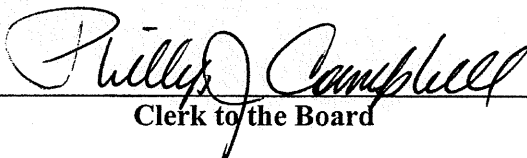
**Absent from Vote:** None

**Absent from Meeting:** None

**For Information:**

Chairman, Prince William Board of County Supervisors

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Clerk to the Board

ATTACHMENT:

Services recommended for restriction from illegal immigrants

- Adult services to allow elderly and disabled to remain in homes
- Aging in-home services
- Sheriff adult identification services
- Rental and mortgage assistance programs
- DORM substance abuse program
- HIDTA prevention program
- Elderly/disabled tax relief program
- Tax exemption for renovation/rehabilitation of residential properties

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CLERK OF THE BOARD



Craig S. Gerhart  
County Executive

**COUNTY OF PRINCE WILLIAM**  
OFFICE OF EXECUTIVE MANAGEMENT  
1 County Complex Court, Prince William, Virginia 22192-9201  
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John T. Stirrup, Vice Chairman  
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Martin E. Nohe  
Frank J. Principi

January 16, 2008

TO: Board of County Supervisors  
FROM: Melissa S. Peacor  
Assistant County Executive  
THRU: Craig S. Gerhart  
County Executive  
RE: Illegal Immigration Implementation

**I. Background in chronological order is as follows:**

- A. July Resolution – On July 10, 2007, the Board of County Supervisors by resolution 07-609 directed staff to return to the Board in 90 days with a worksession that outlined enabling authority and legal conditions under which PWC provides public benefits and services. The Board requested information on:
  - Local benefits that must be provided regardless of status
  - Local benefits that must not be provided to illegal immigrants
  - Local benefits for which there is discretion and the relative merits of exercising that discretion
  - In a manner fully consistent with federal law
  - Shall not be construed so as to prohibit the rendering of emergency medical care or any other public benefits mandated by federal or state law
  - Reporting of a crime or criminal activity to any law enforcement agency
- B. October Worksession – On October 2nd, staff provided information to the Board on all activities of County government agencies grouping County programs and services into the following categories:
  - Services that are already restricted by law
  - Services that cannot be restricted by law
  - Services that are not but should be restricted
  - Services that could be restricted but with cost, service and legal impacts
  - Services that should not be restricted given the impact on the community

- Services that are provided for the benefit of the community as a whole and not individuals
  - Services that are provided to support staff in their provision of service to the community
- C. October 16th BOCS Resolution – The Board directed staff to develop processes to restrict the following services and report them back to the Board:
- Adult services to allow elderly and disabled to remain in homes
  - Aging in-home services
  - Sheriff adult identification services
  - Rental and mortgage assistance programs
  - DORM substance abuse program
  - HIDTA prevention program
  - Elderly/disabled tax relief program
  - Tax exemption for renovation/rehabilitation of residential properties

**II. Current Situation is as follows:**

- A. Area Agency on Aging Homemaker Services – These are services that allow elderly people to remain in their homes including light housekeeping and preparing meals. There are currently six clients using this service and it is unknown if any clients are illegal immigrants. There is a waiting list for these services. Staff will proceed with implementation as follows:
1. Customer Education – All agency publications, flyers and the web site will note that proof of legal status is required to receive homemaker services and assessment forms and fact sheets will be modified to show requirement for proof of legal status.
  2. Current Clients – AAA will send letter to current clients informing them of new requirement and detailing appropriate documents. In addition, a social worker will visit these clients to receive the proof as some may not be able to visit the office in person.
  3. No Proof of Status – If there is no proof of legal status, notice to terminate within 30 days will be sent. Clients actively seeking documentation can be placed “on hold” for additional 30 days. Social Workers will provide assistance if possible in obtaining documentation.
  4. Waiting Lists – There are people on the waiting list for these services and Social Workers will contact all waiting list clients in February to reaffirm need and inform of requirements and schedule a visit within 30 days to receive documentation. If proof of legal status is provided, client remains on waiting list, if not; client will be removed from list.

5. New Clients – Social Worker currently contacts client seeking services within five days and completes an in-home assessment which will include the need to show proof of legal status.
  6. Staff Training – Seven AAA staff will need to be trained to verify documentation of legal status
  7. Issues – Elderly population which requires assistance may have particular issues in providing documentation as original documents may be lost/misplaced and not all births were officially recorded in the early 20th century.
- B. Department of Social Services Homeless Intervention Program – HIP provides rental, mortgage, and security deposit payments for those households experiencing a short-term, unavoidable crisis. This program is funded through State grant and in FY07 served 36 households/115 individuals.
1. Current Clients – DSS will send a letter to current clients informing them of new requirement and detailing the appropriate documentation. Staff currently does a monthly review of all clients and at that monthly review, clients will need to show proof of legal status.
  2. No Proof of Status – If there is no proof of legal status, notice to terminate within 30 days will be sent. Clients actively seeking documentation can be placed “on hold” for additional 30 days.
  3. New Clients – Enrollment in program requires an interview with staff. At this interview, proof of legal status will be required for the client to enroll in the program.
- C. DSS Companion Services – These services allow elderly and disabled adults to remain in their homes by providing: light housekeeping, shopping, meal-prep, bathing, dressing, transportation, etc. This is a state program and when contacted an official at the Virginia Department of Social Services stated: “The statement about applying for services without regards to “citizenship or length of residency in the jurisdiction” also applies to determinations of eligibility and the provision of services. The state will not approve a local policy that restricts services to legal residents”. Based on this, staff is withdrawing its recommendation to restrict these services.
- D. Sheriff Adult Identification Services – The Sheriff’s Office provides identification cards to both children and adults. Adult cards are primarily provided at the County’s Senior Centers. The Sheriff’s Office had decided to accept a Social Security Number in order to issue an identification card.
- E. HIDTA (High Intensity Drug Trafficking Area) Prevention Program – This program works with youth to help them resist or withdraw from gang involvement.

Youth are referred by community corrections. These are youth in the community and one outcome is improvement in school and with the decision of Plyler vs. Doe 452 U.S. 502(1982). Based on this staff withdraws its recommendation to restrict this service.

- F. DORM Program – This program provides substance abuse treatment to inmates at the Adult Detention Center in order to reduce subsequent repeat offenses. The ADC is currently working with ICE and no illegal immigrants will be referred to this program.
- G. 287G Program at the Juvenile Detention Center – JDC has had a working relationship with ICE for the past two years and in those two years the facility has held approximately 13 youth on ICE detainers (Form I-247). If an officer successfully completes the 287G training they are considered as Cross-designated Task Force Officers and can perform immigration law enforcement functions. These trained officers are certified to carry weapons and Interdepartmental Standard 22 VAC 42-10-150 states “the facility shall have no firearms, pellet guns, air rifles, and other weapons on the facility premises” Based on this and based on the current working relationship we have established between ICE and the JDC we recommend continuing with our current practices.
- H. Business Licenses – All Prince William County businesses grossing more than \$100,000 in sales are required to obtain a business license and renew that license annually. Currently:
- 12,900 business licenses are issued
  - 8,900 are issued to corporations or LLC’s which are both considered to be legal entities present where they are incorporated, created, or registered to do business therefore we recommend not requiring further legal proof
  - 4,000 are issued to individuals or partnerships, however, a great majority of the 4,000 request a license even though the County does not require one; they may decide not to continue getting a license due to the new requirement
1. Current License Holders – Licenses are renewed annually in March and are renewed by mail. Restricting licenses from illegal immigrants will require all business owners and partnerships to appear in person to provide proof of legal status in the first year of implementation. Many of the 4,000 not required to have licenses may decide not to renew based on the new requirement but we cannot estimate that at this time. Once all business licenses have proved legal presence (all partners for a partnership) renewal can be conducted by mail.
  2. Information – Staff will develop information to mail to current license holders explaining change in policy and educating on documentation needed to prove legal status. Staff will need to modify systems to separately mail out renewals to 4,000 individuals/partnerships.
  3. No Proof – If applicants cannot prove legal status, business license and/or renewal will be denied.



4. Workload/Staffing – Staff expects major increase in traffic during renewal period and must use staff with systems knowledge and process familiarity. The best option to pull staff from current functions for period of renewal. In addition, staff will need to establish temporary locations so tax payment and typical Finance customers aren't inconvenienced by long lines.
  5. Costs – Include less new taxes billed and less delinquent taxes collected during period totaling \$80,000 and the cost of equipment such as laser printers for the temporary locations, and the postage costs for separate mailings and sending out information on establishing legal status.
- I. Tax Relief for the Elderly and Disabled – This program provides real estate tax relief for qualified elderly and disabled residents and has the program currently serves 3,192 applicants annually with 24 first-time customers each month and 242 renewals per month.
1. Current Clients – Staff will develop information to mail to current tax relief clients with their renewal applications. This new restriction will require all applicants to renew in-person and provide appropriate documentation which can then be copied for the file. Applicants could use County offices and staff would continue to use off-site locations such as Senior Centers.
  2. No Proof – If applicants cannot prove legal status, tax relief will not be continued.
  3. Workload – Staff expects a larger workload the first year restriction is put in place.
- J. Documentation of Legal Status – State Code §46.2-382.1 requires DMV to get proof of legal status to issue a new license and DMV worked with Federal Authorities on a list of documents acceptable to prove legal presence. The County Attorney recommends accept the same list of documents which includes:
- Birth document issued by a state, jurisdiction or territory (birth documents issued by a hospital and foreign birth certificates are not accepted by DMV)
  - Certification of a Report of Birth of a U.S. Citizen (this form is a federal one, known as a DS-1350, and it is issued to a child born abroad to a citizen parent or parents)
  - Certificate of Birth Abroad (known as an FS-545)
  - Consular Report of Birth Abroad (FS-240)
  - Unexpired or expired U.S. Passport
  - U.S. Certificate of Naturalization
  - U.S. Certificate of Citizenship

- Unexpired U.S. Active Duty/Retiree/Reservist Military I.D. Card (known as a DD-2 or Common Access Card)
  - U.S. military discharge papers
  - Unexpired Employment Authorization Card (I-688A/I-688B, I-766)
  - U.S. Citizen Identification card (I-179, I-197)
  - Resident Alien Card, Permanent Residence Card (I-551) unexpired or expired for not more than one year
  - Unexpired foreign passport with an unexpired or expired for not more than one year I-551 stamp
  - Unexpired Temporary Resident Card (I-688)
  - Alien Registration Receipt Card (I-151)
  - Unexpired Re-entry Permit (I-327)
  - Unexpired or expired not more than one year temporary I-551 stamp on an I-94, with photograph of the bearer
  - Unexpired Conditional Resident Alien Card (I-551)
  - Unexpired foreign passport with an unexpired or expired visa and a valid I-94
  - Holders of F1/F2 visas must present a valid SEVIS I-20
  - Holders of Ji/J2 visas must present a valid DS-2019
  - Unexpired foreign passport with a valid I-94W
  - INS form I-797 displaying applicant's name (depending on the purpose and nature of the form, the I-797 may not be accepted)
  - Unexpired Canadian passport with valid I-94
  - Unexpired Refugee Travel Document (I-571)
  - U.S. Department of Receptions and Placement Program Assurance Form (Refugee) and I-94 stamped Refugee
  - Form I-94 Record of Arrival and Departure stamped Asylee, Parolee or Parole, refugee, asylum, HP (humanitarian parolee) or PIP (public interest parolee)
  - Asylees or applicants for asylum may present an application for asylum along with documentation from the United States Citizenship and Immigration Service or U.S. Immigration Court indicating either receipt or approval of the application
- K. Issues with Proof of Legal Status – Current Virginia Driver's License or Social Security Cards are not, in all cases, proof of legal status and will not be accepted. All documents must be originals and cannot be photocopies or temporary copies. Staff must ask every customer of these services to provide proof of legal status
- L. County Staff Training – Due to the complexity of the documents which can be accepted, a training course for employees in the areas to be restricted will need to be designed. In addition, staff involved will need to be trained in identifying fraudulent documents which need further scrutiny.
- M. Timeline – Recommended timeline is as follows:
- Design training course for staff February – March, 2008
  - Train Staff April – May, 2008

- Inform customers of new requirement and provide timeframe to gather documentation April – June, 2008
- Begin restricting selected services July 1, 2008

**III. Recommendation** – Direct staff to proceed with service restrictions according to recommended timeline but withdrawing the DSS Companion Services due to Virginia DSS ruling and the HIDTA Prevention Program due to concerns of restricting services to youth.



**MOTION: STIRRUP**

February 19, 2008

**SECOND: MAY**

Regular Meeting

Res. No. 08-157

**RE: TRANSFER \$793,425 FROM CONTINGENCY RESERVE TO SUPPORT FUNDING FOR IMPLEMENTATION OF THE ILLEGAL IMMIGRATION ENFORCEMENT PROGRAM IN THE POLICE DEPARTMENT**

**ACTION: APPROVED**

**WHEREAS**, on July 10, 2007, the Prince William Board of County Supervisors, by Res. No. 07-609, directed the Police Chief to report back with a proposed program to implement a policy that requires inquiry of all individuals lawfully detained for a violation of State or Local law where there is probable cause to believe the individual lacks legal status; and

**WHEREAS**, on August 7, 2007, the Prince William Board of County Supervisors, by Res. No. 07-707, budgeted, appropriated and transferred \$900,000 to the Police Department for the purpose of supporting future immigration enforcement policies directed on July 10, 2007; and

**WHEREAS**, the Police Chief reported to the Prince William Board of County Supervisors on September 18, 2007 regarding the Department's efforts to ascertain legal status for probable cause and to enter into a 287(g) agreement with Immigration and Custom Enforcement (ICE) and the resources needed to implement the agreements; and

**WHEREAS**, the Police Chief's proposals included creation of a Criminal Alien Unit and appropriate staff increases to address the new immigration-related responsibilities; and

**WHEREAS**, on October 16, 2007, the Prince William Board of County Supervisors, by Res. No. 07-894, authorized the creation of the Criminal Alien Unit and created six (6) FTE's in the Police Department, accepted the Police Chief's recommendations to educate the public, particularly minority and/or immigrant communities, regarding this resolution and its implementation, with the purpose of promoting transparency and trust in Prince William County and further directed Police staff to enter into a partnership with an independent non-partisan consulting group (such as the Police Executive Research Forum and/or an accredited Virginia College or University) to provide consultation and evaluation of the new Police Department policy; and

February 19, 2008

Regular Meeting

Res. No. 08-157

Page Two

**WHEREAS**, on October 16, 2007, the Prince William Board of County Supervisors, by Res. No. 07-894, reaffirmed its August 7, 2007 budgetary action and directed staff to use up \$575,000 of that funding to support police operations that may otherwise have to be de-funded due to cuts in the State's HB599 funding, and to use any remaining funds to implement the Police Department's efforts in creating and training the Criminal Alien Unit and educating the community about the Department's new policies and procedures in the most expeditious manner possible; and

**WHEREAS**, the FY2008 costs to start up this program are \$1,118,425; Available funding that remained after October 16, 2007 for this program have been encumbered. A sum of \$300,000 is needed for the evaluation process and so a total budget of \$793,425 must be established to pay salaries, allow purchases of equipment and items necessary to carry out the programs directed in Res. No. 07-894 for the remainder of FY 2008; and

**WHEREAS**, staff has developed a proposal to transfer \$793,425 from contingency reserve; and

**WHEREAS**, the Prince William Board of County Supervisors acknowledges the need to not just fund the 287(G) portion of this program moving forward; the Criminal Alien Unit is dependant upon full staffing for the Police Department to demonstrate the Board's ongoing support for that as a budgetary priority;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors does hereby transfer funds as shown below to support the direction issued in Res. No. 07-894;

February 19, 2008  
Regular Meeting  
Res. No. 08-157  
Page Three

**FROM:**

690008/5800 Contingency Reserve \$793,425

**TO:**

2544041/2101 Salaries Full Time Permanent Employee	\$204,548
254041/2130 Overtime	\$250,000
254041/2501 FICA	\$33,639
254041/3350 Contract Training	\$29,250
254041/3370 Computer Services	\$9,850
254041/4107 Network Infrastructure	\$2,343
254041/4108 Desk Side Support	\$921
254041/4109 Software Refreshment	\$1,254
254041/4111 Help Desk	\$1,170
254041/4110 Hardware Replacement	\$2,448
254041/4161 Vehicle Maintenance	\$1,250
254041/4170 Gasoline	\$24,500
254041/5402 Printed Supplies	\$25,000
254041/5461 Minor Equipment	\$65,788
254041/5520 Operating Supplies	\$98,285
254041/7411 Motor Vehicles, Additional	\$32,179
254041/8120 Leased Vehicles	\$11,000
	<b>\$793,425</b>

**Votes:**

**Ayes:** Caddigan, Covington, Jenkins, May, Nohe, Principi, Stewart, Stirrup

**Nays:** None


**Absent from Vote:** None

**Absent from Meeting:** None

**For Information:**

Police Chief  
Budget Director  
Finance Director  
OIT Director

CERTIFIED COPY

  
Clerk to the Board





**MOTION: MAY**

April 29, 2008  
Regular Meeting  
Res. No. 08-500

**SECOND: STIRRUP**

**RE: ILLEGAL IMMIGRATION – MODIFY DIRECTIVES TO POLICE  
DEPARTMENT CONCERNING THE ROLE OF LOCAL LAW  
ENFORCEMENT IN ENFORCING FEDERAL IMMIGRATION LAW**

**ACTION: APPROVED**

**WHEREAS**, the Code of Virginia authorizes the governing bodies of counties to provide for the protection of inhabitants and property and the preservation of peace and good order (§ 15.2-1700, VA Code Ann.), and to secure and promote the health, safety and general welfare of inhabitants (§15.2-1200); and

**WHEREAS**, by resolution dated July 10, 2007 (Res. No. 07-609), the Prince William Board of County Supervisors affirmed that it shall be the policy of Prince William County that County employees will comply with all federal and state laws, including federal immigration law, to the best of their ability in the performance of their duties and they shall, by following specific directives issued by the Board, support federal authorities in their enforcement of immigration law while protecting the civil rights of all persons found within the County; and

**WHEREAS**, pursuant to the Board's policy, police officers were directed to inquire into the citizenship or legal status of individuals who they had detained in the course of their duties if there was probable cause to do so long as such inquiry did not unreasonably extend the duration of the detention or conflict with any federal or state law or Constitutional provision; and

**WHEREAS**, to mitigate the risk of false allegations of "racial profiling" against police officers carrying out the Board's policy, it was proposed that appropriate video cameras be placed in police vehicles; and

**WHEREAS**, the Board is responsible for appropriately managing legal and other risk in County operations, including law enforcement, and the Board finds that an acceptable alternative to a program of installing cameras in police vehicles is modification of the Police Department's policy, through Board directive; and

**WHEREAS**, such a modification would also serve to emphasize and clarify that Police Department actions are to be directed at illegal aliens who commit crimes in the County;

**NOW, THEREFORE, BE IT RESOLVED** that the provisions Directive A of Res. No. 07-609, insofar as they direct the contents of General Order 45, are hereby **MODIFIED** and **SUPERSEDED**, and in their place, the Board hereby substitutes the following directive to the Prince William County Police Department:

April 29, 2008  
Regular Meeting  
Res. No. 08-500  
Page Two

- Subsequent and incident to any lawful arrest for a violation of a state law or County ordinance, Prince William County Police Officers shall inquire into the citizenship or immigration status of the arrested person, and/or shall request that such inquiry be made by personnel the Prince William Regional Adult Detention Center before the person is released from custody. The Chief of Police is hereby directed to formulate appropriate policies and procedures with the Superintendent of the ADC to provide for the best use of their resources to streamline the process of identifying criminals who are illegal aliens.
- Police officers are not to be mandated by the Department's policies to inquire into immigration or citizenship status before a person is arrested for a violation of state law or County ordinance. Reasonable exemptions to require pre-arrest investigation of violations of §19.2-81.6 (previously deported immigrant suspected of new crime) of the Code of Virginia, and any similar offenses created in future under state law, are permitted.
- This directive is not intended, nor shall it be read to limit a police officer's ability to seek, at any time, identifying or other information from persons with whom he or she comes in contact, where such inquiries are proper under the Fourth Amendment to the United States Constitution and within the scope of the officer's law-enforcement duties. This directive merely changes the time at which immigration or citizenship status inquiries are mandated from pre-arrest to post-arrest.

**BE IT FURTHER RESOLVED** that all other provisions of Res. No. 07-609 remain unchanged and in full force and effect; and County employees are directed to continue their pursuit of those directives in accordance with the County's Vision and Values previously established by the County Executive.

**Votes:**

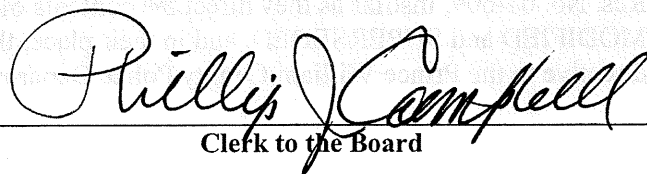
**Ayes:** Caddigan, Covington, Jenkins, May, Nohe, Principi, Stewart, Stirrup

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None

CERTIFIED COPY \_\_\_\_\_

  
Clerk to the Board



# PRINCE WILLIAM COUNTY POLICE DEPARTMENT NEWS

## FROM THE OFFICE OF THE CHIEF

1 County Complex Court, Prince William, Virginia 22192-9201  
(703) 792-6650 Metro 631-1703 FAX (703) 792-7056

CHARLIE T. DEANE  
CHIEF OF POLICE

February 25, 2008

### Police Department Implements New Illegal Immigration Enforcement Policy

PRINCE WILLIAM COUNTY, VIRGINIA . . . On March 3, 2008, the Prince William County Police Department will activate its new policy regarding illegal immigration enforcement. This new policy was developed in response to a resolution passed by the Prince William Board of County Supervisors on July 10, 2007. As part of the new policy, police officers will inquire into the citizenship or immigration status of persons who are lawfully detained for a violation of state or local law - if probable cause exists to believe that person is in violation of federal immigration law. If such a violation exists, police officers will coordinate with the U.S. Department of Homeland Security's Immigration and Customs Enforcement (ICE) branch concerning that individual.

County residents and other individuals should clearly understand three key points of this new policy:

- **Police officers will focus on criminal aliens.** Criminal aliens are those who are in the United States illegally and who commit crimes that would make them eligible for deportation.
- **Police officers will protect crime victims and cooperative witnesses –** regardless of their immigration status.
- **Racial profiling is expressly prohibited.** Police officers will not detain or arrest individuals based on their national origin, race, religion or creed. In addition to being morally wrong, racial profiling is a violation of federal law as well as existing Police Department policy.

"Immigration enforcement is primarily a federal function and responsibility," said Police Chief Charlie T. Deane. "However, we will enforce federal immigration laws within the boundaries of our authority. To fulfill this mandate, the Police Department created a new policy which outlines our new immigration enforcement. We are committed to implementing our new role in immigration enforcement in a fair, lawful and reasonable manner."

\*\*\* more \*\*\*

A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY



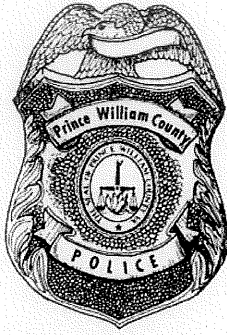
## Immigration Enforcement Page 2

All sworn members of the Police Department, as well as relevant civilian personnel, received comprehensive training regarding the new policy, and how to implement it in a fair, lawful, and reasonable manner. Topics covered during training included legal instruction, bias reduction/racial profiling, identification of false documentation, and procedural response to illegal aliens. Representatives from the County Attorney's office, ICE, and the Police Department's staff served as instructors.

More information regarding the Police Department's immigration enforcement efforts can be found on the web site at [www.pwccgov.org/police](http://www.pwccgov.org/police).

\*\*\* end \*\*\*





CHARLIE T. DEANE  
CHIEF OF POLICE

# PRINCE WILLIAM COUNTY POLICE DEPARTMENT NEWS

## FROM THE OFFICE OF THE CHIEF

1 County Complex Court, Prince William, Virginia 22192-9201  
(703) 792-6650 Metro 631-1703 FAX (703) 792-7056

Contact: 1<sup>st</sup> Sergeant Kim D. Chinn  
Phone: 703.792.7245  
e-mail: [kchinn@pwcgov.org](mailto:kchinn@pwcgov.org)  
FAX: 703.792.6510

Officer Erika Hernandez  
703.792.4159  
[emhernandez@pwcgov.org](mailto:emhernandez@pwcgov.org)  
703.792.4555

June 23, 2008

FOR IMMEDIATE RELEASE

### **Police Department Initiates Revised Illegal Immigration Enforcement Policy**

PRINCE WILLIAM COUNTY, VIRGINIA . . . Beginning on Tuesday, July 1, 2008, the Prince William County Police Department will implement its revised policy regarding illegal immigration enforcement. The policy was amended in response to a resolution passed by the Prince William Board of County Supervisors on April 29, 2008, which changed the mandated stage at which police officers must make citizenship status inquiries to post-arrest situations. During the month of June, all police officers and relevant civilian personnel received training on the new policy and procedures.

Major points of the policy include:

- Police officers will inquire into the immigration status of all persons who are under physical custodial arrest for a violation of state or local law.
- Police officers retain discretion to inquire into immigration status prior to a physical custodial arrest.
- If an immigration violation is believed to exist, police officers will inform the U.S. Immigration and Customs Enforcement (ICE) concerning that individual.
- Police officers will protect crime victims and cooperative witnesses – regardless of their immigration status.
- Racial profiling is expressly prohibited. Police officers will **not** detain or arrest individuals based on their national origin, race, religion or creed.

More information regarding the Police Department's immigration enforcement efforts can be found on the web site at: [www.pwcgov.org/police](http://www.pwcgov.org/police).

\*\*\* end \*\*\*



