

Resolution # 25-005

In furtherance of Florida Statute 908.1032(4)(d) and (f), which directs the State Immigration Enforcement Council to “advise the board on the efforts of local law enforcement agencies related to the enforcement of federal immigration laws within the state” and “provide recommendations to enhance information sharing between state entities, local governmental entities, law enforcement agencies, and the Federal Government in the enforcement of federal immigration laws within the state,” the State Immigration Enforcement Council recommends to the State Board of Immigration Enforcement that it use its resources to make direct contact with President Donald J. Trump and Homeland Security Secretary Kristi Noem and express the need for rule and policy changes directly related to assisting the various federal agencies in the removal of illegal aliens. It is the recommendation of the Council that the full Council or its designee have the opportunity to meet with President Trump and/or Secretary Noem to discuss the issues law enforcement is seeing firsthand.

Florida law enforcement agencies and jails are finding that illegal aliens who have been involved with law enforcement officers or taken into custody for violations of Florida law do not always have ICE detainers placed on them, and, at times, they are being released. While significant numbers of illegal aliens have had ICE detainers placed on them, and in many cases these aliens have been released to ICE directly, some are being released back into our communities. Local ICE and other federal agents and supervisors are doing a remarkable job with the limited tools currently at their disposal.

This Council supports the direction set forth by the President and Governor DeSantis regarding the millions of immigrants who are in this country illegally. We need to remove illegal aliens with a criminal history and those who already have deportation orders as soon as possible.

This Council remains committed to keeping America safe. However, we are facing pressing challenges and respectfully request immediate federal executive involvement to address, at a minimum, the following key issues.

1. Jail Capacity and Housing Illegal Aliens

- Florida is prepared to set up a 10,000-bed facility for illegal aliens if federal funding is provided.
- Florida Sheriffs and Chief Operating Officers of county jails request a waiver of ICE National Detention Standards and permission to utilize facilities governed by Florida law and Florida Model Jail Standards, allowing the ability to house individuals for more than 72 hours in county jail facilities.

2. Transportation

- State officials and Florida Sheriffs are ready to assist in transporting illegal aliens across the state, ensuring proper placement in federal facilities.

3. Fast-Tracking Designated Immigration Officers (DIOs)

- Under Section 287(g) of the Immigration and Nationality Act (INA), state and local officers are authorized to assist with federal immigration enforcement. However, delays in training and credentialing prevent timely action. Currently, officers must complete 40 hours of training and wait for background checks and credentials, both of which take months or longer.
- Florida Sheriffs and Police Chiefs request that law enforcement officers be allowed to begin enforcement immediately after completing their training, with background checks and credentialing expedited afterward. This would streamline the process and allow law enforcement to address immigration violations without unnecessary delays.
- More immigration judges are needed to rapidly and properly adjudicate detention and deportation cases, ensure due process, handle deportations, and manage related proceedings.

4. Enhancement of the Florida Immigration Response Center (FIRC)

- To support the increasing demand for DIOs, we need additional resources for FIRC's staffing to ensure 24/7 access to ICE databases, which is necessary for enabling quicker and more effective immigration enforcement. Florida law enforcement is eager to assist in staffing to ensure immediate access to data and approval of immigration holds.

5. Mechanism for Detaining Illegal Aliens without Warrants or State Charges

- Law enforcement officers seek a mechanism to immediately detain and forward to ICE illegal aliens without removal warrants or state charges, allow law enforcement to take action and better protect communities.

6. Data Sharing across all agencies

- Personal information on each illegal alien known to federal agencies needs to be directly accessible to local law enforcement agencies so proper identification of aliens can be determined during “street encounters” and traffic stops. This system needs to be integrated into the AFIS and NCIC systems.
- Law enforcement officers have observed a lack of communication across federal agencies that deal with illegal aliens, such as Border Patrol, ERO, HSI, and USCIS. These agencies need a consolidated query system with the ability to determine what each agency’s involvement is with a particular illegal alien. Federal agencies need seamless access to each other’s databases.
- Verified alien status information must be provided to state attorney offices, and ICE agents should be authorized to testify in court at their request to officially confirm an individual’s illegal immigration status.

7. Stop and Detain

- Illegal aliens once identified as such by local law enforcement—beginning with the worst first—need to be taken into custody for their hearing before an immigration judge to determine their immigration status and then be appropriately deported. Currently, ICE is not willing to take all illegal aliens encountered by local law enforcement into custody, but rather, asks for all demographic information for ERO to further investigate.

Additionally, if a foreign-born person who admits they are in the country illegally is encountered by local law enforcement and has absolutely no local, state, or federal identification, or is not in any local, state, or federal databases, then the person should be considered illegal and taken into custody until ICE can properly identify the person. Currently, local law enforcement calls the FIRC and gives them the information, and the FIRC directs us to release the person into the community.

The State Immigration Enforcement Council remains committed to supporting federal immigration enforcement and protecting our communities. We respectfully urge federal executive leadership to immediately authorize the necessary waivers, resources, policy changes, and federal funding to enhance and supplement state-level enforcement efforts. We have observed firsthand the hardworking ICE members going above and beyond their duties; however, they lack the capacity to detain the number of illegal aliens encountered. ICE is critically understaffed to carry out its mission and faces significant limitations due to insufficient bed space.