

## **Resolution # 25-002**

FSS 908.132(4)e requires the State Immigration Enforcement Council to provide recommendations on the financial resources necessary to aid local law enforcement agencies, and any other resources necessary to facilitate the training of such agencies, in the cooperation and coordination with Federal Government in the enforcement of federal immigration laws.

FSS 908.132(4)(f) requires the State Immigration Enforcement Council to 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.

FSS 908.1031(3)(e) requires the State Board of Immigration Enforcement to collect data related to operations with the United States Immigration and Customs Enforcement from law enforcement agencies and, by December 15 of each year, submit a report to the President of the Senate and the Speaker of the House of Representatives. The report may contain recommendations to the Legislature to improve the state's cooperation and coordination with the Federal Government in the enforcement of federal immigration laws within this state.

FSS 908.1031(4)(h) states that the State Immigration Enforcement Council shall, upon unanimous approval of the State Board of Immigration Enforcement, assist in the collection of data from law enforcement agencies as required under FSS 908.1031(3)(e).

Therefore, the State Immigration Enforcement Council recommends to the State Board of Immigration Enforcement to adopt four data sets to be collected from law enforcement agencies, county jails, state prison system, and state attorneys. Data shall be collected according to each agency's policies and during the normal course performing their members' official duties. This data would be included in the annual report described in FSS 908.1031(3)(e)).

### **Law Enforcement Data**

This data shall be compiled from interactions by law enforcement officers during the normal course of performing their official duties and in accordance with each agency's policies, with those who appear to be in the United States illegally and, therefore, are in violation of the Immigration and Nationality Act (INA, 8 U.S.C.). The data shall be sent to the Florida Department of Law Enforcement for aggregation from each law enforcement agency.

The following information/detailed data sets shall be reviewed and approved by the appropriate agency supervision, collected by the agency, and submitted to the Florida Department of Law Enforcement in a mutually agreed to electronic format by the 15th day of each month, documenting the previous month's activity.

1. Date of Contact
  - Date on which the contact occurred between the reporting agency and the illegal alien.
2. Contacting Agency

- Specify the name of the agency that is reporting the contact.
- Law Enforcement officer's name and title.
- 3. County of Illegal Alien Contact
  - County where the illegal alien contact took place.
- 4. City of Illegal Alien Contact
  - City where the contact occurred.
- 5. Address of Illegal Alien Contact
  - Provide the exact street address where the contact took place. This is the location where the illegal alien was encountered.
- 6. Illegal Alien's Personal Information
  - Alien's First Name
  - Alien's Middle Name: (NA if no middle name is available)
  - Alien's Last Name
  - Alien's Country of Citizenship: Specify the country where the illegal alien holds citizenship.
  - Alien Registration Number: If available (A-number).
  - Alien's Date of Birth
  - Alien's Sex
- 7. Illegal Alien's Current Address
  - Provide the illegal alien's current street address, including city, state, and zip code, and phone number.
    - o Current Street Address
    - o City
    - o State
    - o Zip Code
    - o Phone #
- 8. Illegal Alien's Current Employer
  - Name of the illegal alien's current employer.
  - Employer's Address
- 9. Gang Affiliations
  - Does Alien Have Gang Affiliations? "Yes" or "No." If yes, provide the Name of Gang.
- 10. Vehicle associated with illegal alien: Description, registration, tag information.
- 11. Criminal History
  - Does Alien Have a Criminal History? "Yes" or "No."
- 12. Citizenship Status Verification
  - Was Citizenship Status Verified with ICE Call Center? "Yes" or "No." Include name and identification of call center contact.
- 13. Arrest Information
  - Was Alien Arrested? Indicate whether the illegal alien was arrested during this contact.
- o If yes, provide details of the Illegal Alien's charges, listed in order of severity.
  - If Not Arrested: Was ICE Contacted? • If ICE Was contacted: Did ICE Respond?
  - If ICE Responded: Was Alien detained by ICE? "Yes" or "No." If not, why not?
  - If ICE did not respond: Why not?

14. Photo

- Photo of Illegal Alien: If not taken into custody, whenever possible provide a photo of the illegal alien. (Booking photos can be provided through jail data.)
  - o Note: Ensure that the photo is clear and identifiable from the neck up.

Data is to be collected, reviewed, and approved by supervision according to each agency's policy. The information will be electronically transmitted to the FDLE through a mutually agreed format.

**Law Enforcement Agency Summary Data Collection**

- 1) Each law enforcement agency that has taskforce Designated Immigration Officers (DIO) under §287(g) of the INA, shall report the number of immigration investigations conducted by their DIOs each month and the number that result in an arrest by the DIO. Each law enforcement agency shall also report the number of DIOs in its organization.
- 2) Each law enforcement agency that has taskforce Designated Immigration Officers under §287(g) of the INA shall report the number of times an officer arrests an illegal alien on ONLY civil immigration charges and whenever there are no accompanying state law criminal charges.

**Jail Data**

The following summary data shall be collected and submitted to the Florida Department of Law Enforcement in a mutually agreed to electronic format by the 15th day of each month, documenting the previous month's activity.

**Detention Facility Summary Data Collection**

- 1) Each county jail shall report the number of immigration detainer forms (I-247) it receives from ICE each month. The immigration detainer is required to be accompanied by an arrest warrant. The arrest warrants are probable cause arrest warrants (I-200) and warrants of removal (I-205). The jail shall report the number of detainees accompanied by I-200s and the number accompanied by I-205s.
- 2) Each county jail shall report the number of immigration detainees that are lodged and received from ICE and then cancelled by ICE and the person released from the county jail without being taken into ICE custody.
- 3) Each county jail shall report the number of persons for whom they received the ICE immigration detainer and ICE failed to take custody of the person from the county jail or Florida Department of Corrections facility within the required 48-hour period and the facility had to release the person from custody.

- 4) Each county jail shall report the highest state law offense classification for each person for whom ICE lodges an immigration detainer (i.e., 1st-degree felony, 2nd-degree misdemeanor, etc.)
- 5) For each person released under number 3 three above, each county jail shall report the number of people released who were charged with a violent crime.
- 6) Each county jail shall report the number of persons it releases from custody on state law charges, and after the person is released, the jail then receives an immigration detainer from ICE. (This data will reflect the delay in the ICE notification system to the jails).
- 7) Each county jail that participates in the Jail Enforcement Model program shall report the number of persons for whom it lodges immigration detainees before ICE makes an independent biometric or biographic match through the normal booking process.
- 8) Each county jail shall report the number of persons it transports from the jail to an ICE office upon conclusion of the 48-hour immigration detainer period in lieu of ICE taking custody of the person at the jail.
- 9) Each county jail shall report the amount of illegal alien housing cost reimbursement it receives from ICE each month, the jail's reimbursement rate from ICE, and how many beds days the jail incurred for housing illegal aliens from the time their state law charges were resolved until they were released from jail or released to ICE custody. The jail shall also report the difference between its actual illegal alien housing cost and the reimbursable amount for each month.

#### **Florida Department of Corrections Data**

The following information/data shall be collected by the Florida Department of Corrections (FDOC) and submitted to the Florida Department of Law Enforcement in a mutually agreed to electronic format by the 15th day of each month, documenting the previous month's activity.

- 1) Number of FDOC inmates who are confirmed criminal aliens and who have ICE detainees.
- 2) Number of FDOC inmates who are confirmed criminal aliens and who do not have an ICE detainer.
- 3) Number of FDOC inmates who are confirmed criminal aliens and who have had their ICE detainer removed by ICE.
- 4) Number of FDOC inmates who are confirmed criminal aliens and who have been released to ICE custody.
- 5) Number of FDOC inmates who are confirmed criminal aliens who are scheduled to be released into the community within the next 30 days.

- 6) Number of FDOC inmates who are confirmed criminal aliens and who have been released from custody into the community because ICE refused to take custody of the inmate.

### **State Attorney Summary Data Collection**

The following information/data shall be collected by each State Attorney and submitted to the Florida Department of Law Enforcement in a mutually agreed to electronic format by the 15th day of each month, documenting the previous month's activity.

- 1A) Total number of cases received wherein law enforcement charged a violation of Fla. Stat. § 811.102.
- 1B) Total number of cases filed by SAO that included a charge of violation of Fla. Stat. § 811.102.
- 1C) Number of cases reported in 1A wherein the evidence provided was insufficient to charge a violation of Fla. Stat. § 811.102.
  
- 2A) Total number of cases received wherein law enforcement charged a violation of Fla. Stat. § 811.103.
- 2B) Total number of cases filed by SAO that included a charge of violation of Fla. Stat. § 811.103.
- 3C) Number of cases reported in 2A wherein the evidence provided was insufficient to charge a violation of Fla. Stat. § 811.103.
  
- 3A) Total number of cases received wherein law enforcement charged a violation of Fla. Stat. § 787.07.
- 3B) Total number of cases filed by SAO that included a charge of violation of Fla. Stat. § 787.07.
- 3C) Number of cases reported in 3A wherein the evidence provided was insufficient to charge a violation of Fla. Stat. § 787.
  
- 4A) Total number of cases received wherein law enforcement charged any crime with an enhancement pursuant to Fla. Stat. § 775.0848.
- 4B) Total number of cases filed by SAO that included an enhancement of any crime pursuant to Fla. Stat. § 775.0848 or § 775.0824.
- 4C) Number of cases reported in 4A wherein charges were filed but the evidence was insufficient to support an enhancement pursuant to Fla. Stat. § 775.0848 or § 775.0824.

- 5A) Total number of cases received wherein law enforcement charged any crime with an enhancement pursuant to Fla. Stat. § 775.0824.
- 5B) Total number of cases filed by SAO that included an enhancement of any crime pursuant to Fla. Stat. § 775.0848 or § 775.0824.
- 5C) Number of cases reported in 5A wherein charges were filed but the evidence was insufficient to support an enhancement pursuant to Fla. Stat. § 775.0848 or § 775.0824.

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