

## **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 the following data collection set to be collected by each law enforcement agency in Florida and be included in some form in the annual report described in FSS 908.1031(3)(e)). The data shall be compiled from interactions by law enforcement officers during the normal course of performing their official duties 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.).

This information/data shall be reviewed and approved by law enforcement agency supervision, collected by the agency, and submitted to the Florida Department of Law Enforcement in a mutually agreed to electronic format by the 5<sup>th</sup> day of each month documenting the previous month's activity.

Date of Contact | Contacting Agency | County of Contact | City of Contact

Address/location of Contact

Personal Information (name, date of birth, sex, address, country of citizenship/birth, alien registration number)

Current Employer & Employer Information

Gang Affiliation

Description of Contact | Actions Taken | Contact Circumstances

Arrest Information

ICE Contact; date/time, tracking information | ICE Actions (ICE hold, ICE directed not to hold, etc.) | ICE Agent Providing Direction

Submitter's Name, Identification, and Agency

Photo

***Sheriff Bob Gualtieri -***

*Therefore, the State Immigration Council recommends that the State Board of Immigration find certain data collection regarding illegal immigration enforcement essential to cooperation and coordination between United States Immigration and Customs Enforcement and Florida law enforcement agencies and that the Board adopt the following data collection requirements:*

- 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 within the required 48 hour period and the jail 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 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.*

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- 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 it's actual illegal alien housing cost and the reimbursable amount for each month.*
- 10) *Each state law enforcement agency, police department, and sheriff's office shall report the number of persons with whom it has contact, there is probable cause to believe the person is a removable illegal alien, the law enforcement agency contacts ICE and ICE responds to the scene to assume the investigation or does not respond. If ICE does not respond, the agency should report the reason ICE did not respond, if known (i.e. no personnel available, person did not meet removal criteria, etc).*
- 11) *Each law enforcement agency that has taskforce Designated Immigration Officers under §287(g) if the INA, shall report the number of immigration investigations conducted by their DIOs each month, the number that result in an arrest by the DIO and the number of persons arrested by the DIO. Each law enforcement agency shall also report the average length of time each DIO spends on an immigration investigation.*
- 12) *Each law enforcement agency that has taskforce Designated Immigration Officers under §287(g) if the INA, shall report the number of times an officer seeks approval from an ICE supervisor to arrest an illegal alien and the request is denied and the reason for the denial (i.e. the person does not meet ICE removal criteria, etc.).*
- 13) *Each law enforcement agency that has taskforce Designated Immigration Officers under §287(g) if the INA, shall report the number of times an officer arrests an illegal alien on ONLY civil immigration charges and there are no accompanying state law criminal charges.*

*Therefore, data shall also be compiled from interactions by law enforcement officers during the normal course of performing their official duties with those who are suspected of committing an offense under Florida law, are not being arrested and appear to be in the United States illegally and therefore are in violation of the Immigration and Nationality Act (INA, 8 U.S.C.). Before collecting immigration-related data on suspected illegal aliens, the officer shall contact the ICE Law Enforcement Support Center or ICE Immigration Response Center to determine whether the person is already known to ICE and documented in the ICE database. If the person is already documented by ICE and ICE does not seek removal of the person, no further immigration related documentation is required, unless ICE requests further information be collected. If the person is not fully known to ICE or it cannot be determined whether the person believed to be an illegal alien meets ICE removal criteria, then the officer shall collect the following information and submit it in the form provided. The information/data collected under this section shall be reviewed and approved by law enforcement agency supervision, collected by the agency, and submitted to the Florida Department of Law Enforcement in a mutually agreed to electronic format*

*by the 5th day of each month documenting the previous month's activity. The information to be collected under this section includes:*

*The information/data collected under this section shall be reviewed and approved by law enforcement agency supervision, collected by the agency, and submitted to the Florida Department of Law Enforcement in a mutually agreed to electronic format by the 5th day of each month documenting the previous month's activity. The information to be collected under this section includes:*

### **Add other council input**

**Chief Dominguez** - Not clear – on the term “Immigration Violation” as Sheriff Gualtieri explained his view of the elements (ability to meet the elements) for Florida Statutes 811.102(7)(b) or 811.103(6)(b) regarding illegal entry or reentry of an unauthorized alien.

**Chief Dominguez** - Most agencies have an automated FIR system/program...using their established FIR/s they can send to FDLE directly (a law enforcement agency); and then FDLE can (triage info) send to DEM what is deemed appropriate information (likely subject to public records).

**Chief Dominguez** - My concern is that the form/instrument is ripe for issues/claims specific to Bias-Based Profiling.

**Chief Bage** - I like the fillable format of the form, but can we clarify which fields are required and make sure we are only requiring the data that is needed.