

## Resolution #25-001

The State Immigration Enforcement Council, per FSS 908.1032(4)(b) and FSS 908.1032(4)(e), recommends to the State Board of Immigration Enforcement the following expenses, in priority order, that should be reimbursable under the Local Law Enforcement Immigration Grant Program:

- 1 Costs associated with training programs directly related to supporting the enforcement of federal immigration laws, primarily the **Warrant Service Officer** (WSO) training, **Jail Enforcement Model** (JEM) training, the 287(g) **Task Force Model** (TFM) training. The **Warrant Service Officer** program provides certification for law enforcement personnel to perform limited functions of an immigration officer within a jail or corrections facility to assist ICE in ensuring that unauthorized aliens are not released into the community. The **Jail Enforcement Model** authorizes ICE to delegate to state and local law enforcement officers the authority to perform specified immigration officer functions under the agency's direction and oversight in a jail or corrections setting. Trained staff partners with ICE to identify and remove criminal aliens from the U.S. The **Task Force Model** allows ICE — through the delegation of specified immigration officer duties — to work with local law enforcement agencies to enforce limited immigration authority during routine police enforcement duties. This model allows state and local agencies to carry out immigration enforcement activities in non-custodial settings while under ICE supervision and oversight.
  - a. Reimbursable training costs should be additional costs associated with training materials, personnel costs associated with training (up to time and 1/2 of the member's hourly pay), when that sworn law enforcement officer or certified corrections officer is unable to perform their normal duties while training, and travel costs associated with training if travel is required.
  - b. We recommend the Board limit total reimbursement up to a fixed percentage of the sworn or certified workforce of larger law enforcement or detention agencies in order to ensure that multiple agencies, especially small and medium sized agencies, and agencies from fiscally restrained counties in Florida, have access to the legislated funds. We recommend the following percentage reimbursement limits: 10% of sworn/certified personnel for agencies with 500 or more law enforcement officers (LEO) or corrections officers (CO); 20% of sworn/certified personnel for agencies with between 100 and 499 LEOs or COs; 30% of sworn/certified personnel for agencies with between 50 and 99 LEOs or COs; 50% of sworn/certified personnel for agencies located in fiscally restrained counties or those with between 1 and 49 LEOs or COs.
- 2 Costs associated with **detaining / housing unauthorized aliens** on behalf of the United States Immigration and Customs Enforcement.
  - a. Because of the complexity of jail per-diem cost calculations, we recommend a straight-forward daily reimbursement rate of \$100 per day per unauthorized alien if

- a jail facility has not received or applied for the \$50 per day reimbursement from I.C.E., and \$50 for a jail facility that has received or applied for the \$50 per day reimbursement from I.C.E.
  - b. Reimbursement eligibility should be only for the time between when an unauthorized alien is released from custody for state charges until the time the unauthorized alien leaves a jail facility and into ICE custody.
  - c. For reimbursement purposes, one day may include a partial day of 12 hours or more.
- 3 Costs associated with **transporting unauthorized aliens** on behalf of the United States Immigration and Customs Enforcement.
- a. We recommend round trip reimbursement at the federal IRS approved mileage rate from the point of departure to the return and;
  - b. We recommend reimbursement for hourly pay of agency staff present during transportation (up to 2 agency members) up to time and 1/2 of the hourly pay of the member.
- 4 FSS 908.1033 allows for **reimbursement for equipment, travel, and lodging** related to 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357, program.
- a. We recommend the State Board of Immigration Enforcement prioritize and reimburse these categories only to the extent that the equipment, travel, and lodging **are directly related to detaining and transporting unauthorized aliens or directly related to active participation in I.C.E. task force activities**.
  - b. We further recommend that the State Board of Immigration Enforcement **prioritize reimbursement for actual additional costs incurred** related to participation in the 287(g) program.
- 5 **Bonus Payments:** FSS 908.1033 already describes the basic criteria for the bonus funding: "A local law enforcement agency may apply to the State Board of Immigration Enforcement to provide bonus payments for the agency's local law enforcement officers who participate in United States Department of Homeland Security at-large task force operations. The local law enforcement agency may apply for a bonus of up to \$1,000 for each local law enforcement officer employed within that agency. The local law enforcement agency must certify to the board that the local law enforcement officer participated in one or more operations and provide any information required by the board."
- a. We recommend that the board prioritize funding to those law enforcement officers who are directly and meaningfully participating in a task force operation. We recommend F.D.L.E. promulgate rules defining "participate" so that the \$1,000 bonus materially contributes to active law enforcement participation in assisting I.C.E. Our preference would be to have a higher threshold for "participation" than in just one operation, if that is permissible per the statute.

- b. We recommend the following reimbursement limits by a percentage of the total number of sworn law enforcement members in the agency (limiting the number of members per agency who would be able to receive the \$1,000 bonus): 20% for agencies with 500 or more law enforcement officers (LEO) or corrections officers (CO); 30% for agencies with between 100 and 499 LEOs or COs; 40% for agencies with between 50 and 99 LEOs or COs; 50% for agencies with between 1 and 49 LEOs or COs; and 100% for agencies located in fiscally restrained counties.
- 6 FSS 908.1033 allows for reimbursement for “hardware or software essential to assisting the Federal Government in its enforcement of federal immigration laws.” **We recommend that this be a lower priority for reimbursement.** IT costs can quickly diminish available grant funds and most agencies already have in place robust IT systems that already connect with state and federal law enforcement databases. If there are smaller or mid-sized agencies that have hardware or software needs, the Board can certainly fund those if the agency demonstrates a direct need.

The State Immigration Enforcement Council, per FSS 908.1032, also recommends to the Board the following funding criteria for the Local Law Enforcement Immigration Grant Program:

- 1) We recommend that whenever possible, Fiscally Constrained Counties as defined by Florida Statute 218.67, will be prioritized.
- 2) We do not recommend the Board reimburse capital equipment costs.
- 3) No agency shall receive more than \$1,000,000 in grant funds during the 25/26 fiscal year.
- 4) Reimbursement for overtime expenses shall not exceed \$500,000 per agency for FY 25/26.

We recommend the following instruments and rules for applying for and receiving state grants: *list rules*

***Add other council input***