

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.

Sheriff Gualtieri - Section (e) - A bonus of up to \$1,000 for each local law enforcement officer employed by a local law enforcement agency who is credentialed as a designated immigration officer and who participated in at least one United States Department of Homeland Security task force operation under section 287(g) of the Immigration and Nationality Act, as found at 8 U.S.C. s. 1357. The bonus shall include an additional 7.65% for the officer's share of

Federal Insurance Contribution Act tax on the bonus. A local law enforcement agency may not apply for more than one bonus for any particular local law enforcement officer; or

***Chief Bage** - Overtime to backfill the position of the person in training is an allowable reimbursement.*

***Chief Broadway** - Number of personnel trained, and the amount of overtime allocated should be based on agency size, resources, budget constraints.*

***Chief Goerke** – Agrees this is the number one priority.*

***Chief Goerke** - I would also like to discuss further the use of overtime to accomplish the required training for the Designated Immigration Officer training.*

***Chief Dominguez** - Recommendation for funding based on officer population.*

- *The initial ICE 40 hours (TFM/DIO) training (on-over-time rate) needs to be a priority.*
 - *Large Agency: over 300 officers 50% Max-Trained Cap*
 - *Midsized Agency: 60 to 300 sworn 30% Max-Trained Cap*
 - *Smaller Agency: fewer than 60 sworn 20% Max-Trained Cap*

***Chief Dominguez** - Initial training - TFO training/40 hours should be funded as OT per LE officer/agency.*

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.

***Sheriff Gualtieri** - A local law enforcement agency that enters into a contract with the federal government to house illegal aliens for a period greater than 72 hours must seek such housing reimbursement costs from the federal government for person housed more than 72 hours under the contract before seeking reimbursement of any actual costs not covered by the federal contract through the grant program.*

***Sheriff Gualtieri** - Section (a) - Full detention bed cost for detention beds sublet to the United States Immigration and Customs Enforcement for a temporary period that is 72 hours or less, and partial detention bed cost for detention beds over 72 hours where the full cost is not paid to the local law enforcement agency by the federal government.. The detention bed cost will be based on*

the local law enforcement agency's daily per-inmate housing cost for the agency's fiscal year in which the funds are reimbursed. If the local law enforcement agency incurs any extraordinary costs for subletting beds to Immigration and Customs Enforcement, not adequately covered by the daily bed cost, such as reopening previously closed facilities, overtime, or other operating costs, the agency may obtain approval for reimbursement of such costs from the Executive Director prior to incurring the costs ;

Sheriff Prummell - Eligible funding for detention beds sublet to the US Immigration and Customs Enforcement for a temporary period.

- Question: How will this work with SCAAP funding? (SCAAP = State Criminal Alien Assistance Program)

Chief Bage - Detention beds sublet to the United States Immigration and Customs Enforcement for a temporary period

1. Cost associated with adding bed space
2. Food, health and other operational costs
3. Overtime for detention staff to monitor detention beds;

Chief Goerke - Funding to support housing operations (need a structured methodology to potentially recoup funding from the federal government).

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.

Sheriff Gualtieri - Other expenses incurred in cooperation and coordination with federal immigration agencies in the enforcement of federal immigration laws, including personnel and operating costs associated with transporting illegal aliens for ICE.

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.

Sheriff Gualtieri - Essential equipment, travel, and lodging related to participation in a program under section 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357. Equipment under this section does not include armored vehicles, boats, or other extraordinary equipment unless

such purchases are approved in advance by the Executive Director

Sheriff Prummell - Equipment requests must be reasonable, showing a direct need for immigration enforcement efforts (i.e., portable fingerprint ID system). Funds cannot be used to supplant. I would disallow the purchase of vehicles.

Chief Bage - Equipment limited to \$25,000 per agency and \$5,000 per item in any fiscal year.

Chief Bage - Travel and related lodging, local law enforcement agency may only request reimbursement for up to 35 personnel or 10% of their agency which ever is greater in any fiscal year. This would be calculated from budget positions at the start of the local law enforcement's fiscal year.

Chief Broadway - We should be very limited on allowance of the purchase of expensive equipment. Must be a significant need and directly related to immigration enforcement.

Chief Goerke - Limited scope of equipment and software programs to support the immigration mission.

Chief Goerke - Equipment and software purchases need to meet a standard that will be used to support immigration operations.

- Examples are:

- Fingerprint scanners (Livescan devices)
- Mobile biometric devices
- Software for data sharing and improved interoperability between federal agencies, fusion centers, and state and local agencies.

Chief Dominguez - The Rule set for Equipment/Hardware/Software must be Immigration Enforcement Specific (not a budget replacement) i.e.

- Biometric tracking, such as facial recognition, voice analyzing, and fingerprint scanning.
- DNA collection - testing tools
- Surveillance Systems...technology to monitor and track.

- 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.

***Sheriff Gualtieri** - Section (e) - A bonus of up to \$1,000 for each local law enforcement officer employed by a local law enforcement agency who is credentialed as a designated immigration officer and who participated in at least one United States Department of Homeland Security task force operation under section 287(g) of the Immigration and Nationality Act, as found at 8 U.S.C. s. 1357. The bonus shall include an additional 7.65% for the officer's share of Federal Insurance Contribution Act tax on the bonus. A local law enforcement agency may not apply for more than one bonus for any particular local law enforcement officer; or*

***Sheriff Prummell** - Bonus payment of up to \$1,000 for each local law enforcement officer*

- *FDLE interprets it as a one time payment.*

- 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.

***Chief Bage** - Hardware or software essential to assisting the Federal Government in its enforcement of federal immigration laws:*

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.

***Sheriff Gualtieri** - No single local law enforcement agency may receive more than 10% of the available funding in a single fiscal year without the express approval of the Board.*

Sheriff Gualtieri - Section (3) - Upon receipt of a grant application, the Executive Director shall review the application for completeness and compliance with eligibility requirements set out in 11Q-1.002 and 11Q-1.003. Incomplete applications or those from local law enforcement agencies that fail to attest to meeting the requirements provided in 11Q-1.002(3), F.A.C., shall be denied but may have the opportunity to resubmit a complete application. Any application denied for failing to meet eligibility requirements according to the Executive Director may (changed from will) be submitted to the Board for review and oversight.

Chief Bage - Local law enforcement agencies are limited to a total of \$25,000 in any fiscal year.

- Other expenses incurred in cooperation and coordination with federal immigration agencies in the enforcement of federal immigration laws.
 - Local law enforcement agencies are limited to \$100,000 in overtime reimbursement per fiscal year unless the Executive Director takes supplementary grant requests after the 2nd quarter of the fiscal year.
- Overtime to backfill the position of the person on a United States Department of Homeland Security task force operation under section 287(g) of the Immigration and Nationality Act, as found at 8 U.S.C. s. 1357, is an allowable reimbursement.

Chief Broadway - Overtime and training should be based on the size of the agency due to budget restraints.

Chief Goerke - Enhancements to information sharing throughout state and federal fusion centers and local partners.

Chief Goerke – Funding Equity - I believe it should be based on budgeted positions because it would be difficult to quantify based on the transitory number of employees, which could fluctuate monthly.

Chief Goerke - I would recommend that overtime be related to documented immigration operations.

Chief Goerke - Documentation for the reimbursement of overtime a participating agency would be required to submit would include:

- Timesheets or overtime detail reports that clearly show the hours as being related to immigration enforcement activities (training, operations, etc.) as opposed to other non-immigration overtime initiatives.
- Paystubs

Chief Dominguez - Task force operations must be outlined/justified similar to that in a DEA (DAG-71) form/process.

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

Add other council input