Florida Immigration Enforcement

State and local law enforcement officers have no authority to enforce federal immigration law without special designated authority from the Department of Homeland Security (DHS) secretary.

There are three types of immigration enforcement programs under which state and local law enforcement may act as Designated Immigration Officers (DIOs) and assist U.S. Immigration and Customs Enforcement (ICE) in enforcing civil and criminal federal immigration law.*

*There is another assistance model under which ICE officers are imbedded in county jails and do their own investigations and take their own actions inside the jail.

This model is rare and not a common practice.

ERO does not have the personnel to staff county jails in most places.

All state and local law enforcement assistance programs derive their authority from §287(g) of the Immigration and Nationality Act (INA), which is codified in federal law.

The three programs are:

- Warrant Service Officers (WSO)
- Jail Enforcement Model (JEM)
- Taskforce Model (cops on the street)

The DHS secretary has great latitude in implementing the programs and establishing their requirements for training and designation of state and local law enforcement officers as DIOs.

ICE has placed illegal aliens into categories of priority for removal. Those who are a top priority for removal are:

- Criminal illegals;
- Those who pose a public safety or national security threat;
- Those who have been previously removed but have illegally returned to the United States; and
- Those with final judge-issued deportation orders who have ignored the orders and remained in the U.S.

As stated, **criminal illegal aliens** (those who have committed crimes) are a priority for removal.

The safest and most effective way for local law enforcement to help ICE remove the criminal illegals is to turn them over to ICE from the county jail upon conclusion of their state charges.

This process mitigates non-priority collateral arrests, which maximizes limited ICE bed space.

Turning criminal illegals over to ICE from the jail is vital to effective public safety because these people should not:

Be in the U.S. illegally;

Commit awful crimes for which they are arrested;

Be freed from jail on pre-trial release (bail) while their criminal cases wind through the state court system; or

Released to the community post-sentence

Some Examples:

One criminal illegal in the Pinellas County jail is from Mexico and he is charged with 20 different counts of possession of child pornography.

Another person is one we arrested for lewd and lascivious battery of a child under 12 years old and he is here illegally from El Salvador.

Another illegal from Mexico we arrested for sexual battery or raping a child under 12 years old.

Yet another illegal is from Cuba and he is charged with DUI manslaughter for killing someone while driving drunk and then resisting arrest.

And, another illegal here from Honduras raped a physically helpless person and committed numerous acts of lewd and lascivious molestation on a child.

These people, and others like them, need to be immediately transferred to ICE custody and removed, either contemporaneously with their pre-trial release on state charges or after having served their sentence.

Under no circumstance should they be allowed back in our communities, and without maximizing cooperation between the county jail and ICE, that's exactly what happens.

Here's how the cooperation works:

ICE learns that a criminal illegal has been booked into a county jail through biometric and biographical information sharing between the county jail and ICE.

When ICE determines that it wants to take custody of a criminal illegal from the jail, that is accomplished by turning the person over to ICE through the immigration detainer process.

Contrary to misinformation, ICE detainers have no applicability outside of a jail setting.

Detainers are inapplicable to city police departments in Florida or any law enforcement officer on the street.

An immigration detainer (I-247) is a "request" by ICE, to a jail, to hold the person on **civil** federal immigration charges for up to 48 hours after their criminal state law case is resolved so that ICE may safely and effectively take the person into custody.

The I-247 is a "request" and it has no force of law.

There is nothing in federal law that permits a jail to hold someone *solely* on a civil immigration detainer.

Many federal court decisions over the years have held that detainers alone carry no legal authority to hold anyone.

DEPARTMENT OF HOMELAND SECURITY

IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: Event #:	File No: Date:

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)	FROM: (Department of Homeland Security Office Address)

Name of Alien: _____

Date of Birth: _____ Citizenship: _____ Sex: _____

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON *(complete box 1 or 2)*.

- ☐ A final order of removal against the alien;
- ☐ The pendency of ongoing removal proceedings against the alien;
- ☐ Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION *(complete box 1 or 2)*.

- ☐ Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling ☐ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at _____. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
- **Maintain custody** of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
- Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
- Notify this office in the event of the alien's death, hospitalization or transfer to another institution.

☐ If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).

_____ _____

(Name and title of Immigration Officer) (Signature of Immigration Officer) (Sign in ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____ .

Local Booking/Inmate #: _____ Estimated release date/time: _____

Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____

This form was served upon the alien on _____ , in the following manner:

☐ in person ☐ by inmate mail delivery ☐ other (please specify): _____

_____ _____

(Name and title of Officer) (Signature of Officer) (Sign in ink)

Because detainers alone carry no legal authority to hold someone in custody beyond their state charges, there must be an independent legal basis to do so. That is accomplished by:

<u>Option 1:</u>

ICE having a housing agreement with a jail (BOA or IGSA).

An ICE officer taking the person into federal custody immediately upon conclusion of their state charges by ICE serving a civil arrest warrant (I-200), or warrant of removal (I-205) **and** issuing a booking form to the jail (I-203).

All 67 county jails in Florida have a BOA or IGSA in place.

Under this option, the jail may hold the person on the booking form (I-203) for up to 48 hours in the case of a BOA and 72 hours if the jail has an IGSA.

ICE does its own work under this option and the hold functions like a "courtesy hold."

203

2025 JAN 23 8:55

Subject ID: A0818231

ORDER TO DETAIN OR RELEASE ALIEN

To: (NAME and TITLE of Person in Charge of Facility)
DIR. OIC

(Name of Facility) PINELLAS COUNTY JAIL
14401 49TH ST. NORTH
CLEARWATER, FL 33762 US

Please: [X] Detain [ ] Release

Date: 01/23/2025 Time: 12:30 PM

Name of Alien: DIAZ PENA, ONSIC

File Number: 216 686 459
Event No: MIA2501000759

Age	Date of Birth (Mo.Day.Yr.)	Sex	Nationality	Foreign Address
42	01/29/1982	M	MEXICO	

Nature of Proceedings:

Signature of Officer Receiving Alien:

REMARKS:

Signature of Officer Authorizing Action	Title	Office
DMartinez	EXPORTATION OFFICER	MIA/ERO

Form I-203 (Rev. 08/01/07)

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

Option 2:

This option operates under the WSO program and the civil immigration custody is effected by a jail deputy or officer acting under their federal immigration DIO authority.

ICE provides the jail a detainer accompanied by a civil arrest warrant (I-200 or I-205).

A WSO serves the warrant and detainer on the criminal illegal immediately upon conclusion of their state charges, thus giving ICE 48 hours to pick the person up and take them into civil immigration custody.

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No.

Date:

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

_____ Name and Signature of Officer

_____ Name or Number of Interpreter (if applicable)

WSO Model

Under the WSO program, county jail personnel receive 8 hours of training, are designated as WSOs and simply lodge the detainer, watch for the person's state law charges to be resolved, serve the warrant, and notify ICE to pick the person up within 48 hours of the state charge custody ending.

County jail personnel do not conduct immigration investigations under the WSO model; they simply notify ICE and serve the civil warrants.

JEM Model

Because it takes time for the biometric or biographical matches to occur, there are times where criminal illegals are booked into the jail and released before ICE issues a detainer and warrant.

The JEM model mitigates or eliminates this issue because detention deputies and correctional officers in county jails are trained and designated under the authority of §287(g) and the DHS secretary's guidance to conduct actual immigration investigations, not to merely serve warrants.

JEM training has traditionally been 4 weeks long and was only conducted in-person in Charleston, South Carolina.

JEM personnel have direct access to the ICE databases, conduct their own queries, make their own biometric and biographical matches, etc.

Under the JEM model, jail personnel identify foreign born persons upon booking and conduct a separate immigration investigation to determine alienage and removability.

Each one of these jail-based immigration investigations takes between one and three hours and as a result the county jail officer may issue a detainer and seek a warrant from an ICE supervisor.

The JEM model is time consuming, as the jail personnel conduct the investigation, make charging decisions/recommendations to an ICE supervisor, build case files, etc.

In Florida there are **four** JEM county jails (Collier, Hernando, Clay and Duval).

The remaining 63 county jails have a WSO agreement.

However, currently only 41 of the jails have active WSOs because of a backlog in the ICE training and credentialing process.

That means detainers with warrants *are not* being served by county jail personnel in **22** of Florida's **67** county jails.

There are currently no plans to expand the JEM program beyond the four current jails and any revisions to the four week in-person training requirement have not been communicated.

The Taskforce Model

The taskforce model involves law enforcement officers on the street (troopers, deputy sheriffs, police officers) who have received immigration enforcement authority as DIOs.

The taskforce model has not existed anywhere in the U.S. since it was eliminated by the Obama administration in 2012.

It was resurrected by the Trump administration in January of 2025.

Like the JEM, the task force model historically required extensive in-person training in Charleston, S.C.

The Trump administration has modified the training, and it is now 40 hours and conducted on-line.

The process to become a taskforce DIO is:

1) The agency signs an ICE taskforce MOA;
2) The law enforcement agency nominates personnel as DIOs;
3) ICE enrolls the personnel in the DIO training;
4) The personnel complete the training within 60 days of enrollment; and
5) ICE issues the officer credentials and designation of authorities.

The officer may then function as a DIO within the scope of those authorities.

Currently in Florida, some FHP troopers have received the training.

No troopers are yet designated DIOs (credentials and authorities have not yet been issued).

Sheriffs have received the nomination forms, city police departments have not.

The ICE arrest warrants are civil warrants, and state and local law enforcement officers have no authority to serve the warrants. (8 CFR 287.5 (d)(3).

There are about 700,000 ICE removal warrants (I-205) in NCIC.

Until Florida law enforcement officers become DIOs, they do not have the authority to arrest anyone on these warrants and must call for an ICE officer to come to the scene to make the arrest.

In addition to arresting on the I-205s in NCIC, after Florida law enforcement officers become DIOs, they will be authorized to conduct immigration investigations and make probable cause arrests on civil immigration charges.

We must have a place to which the illegal aliens arrested by state and local officers on warrants or based on probable cause can be housed pending transfer to ICE.

We proposed a model where all 67 county jails could temporarily house (48 hours) these people on civil immigration charges pending transfer to ICE.

Under our plan, sheriffs would have helped ICE by transporting all the arrested illegal aliens on a daily basis from all the jails Marion County north, across the panhandle, to ICE sub-offices. ICE would have handled the transports south of Marion County.

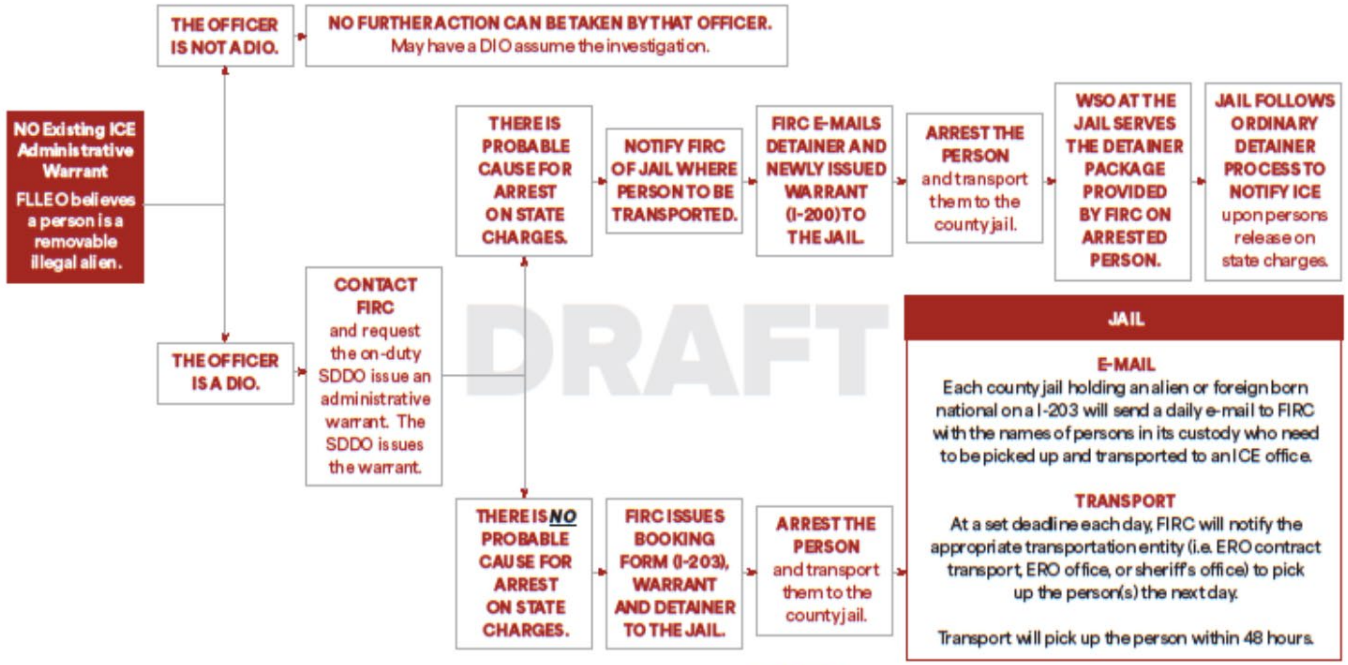
ICE headquarters would not approve the plan.

Per ICE, only the 7 county jails (Collier, Baker, Glades, Pinellas, Orange, Martin and Walton) with current IGSAs or USMS agreements can be used to house these people.

Florida Law Enforcement Officer Civil Immigration Arrest Work Flow

FOR ARREST *WITHOUT* EXISTING ADMINISTRATIVE WARRANT

A FLORIDA LAW ENFORCEMENT OFFICER HAS CONTACT WITH AN ALIEN OR FOREIGN BORN NATIONAL.



LIST OF TERMS

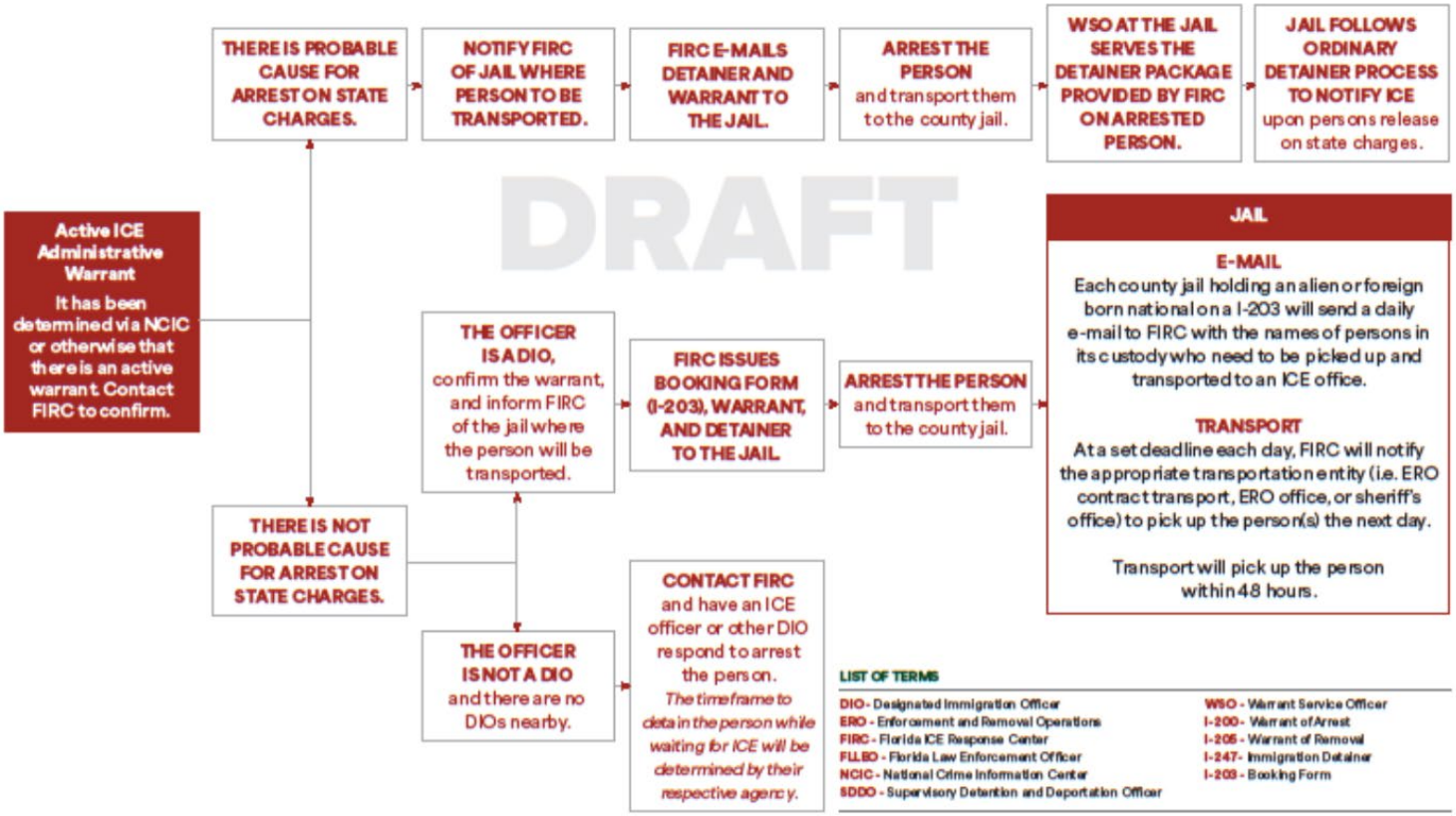
DIO - Designated Immigration Officer
ERO - Enforcement and Removal Operations
FIRC - Florida ICE Response Center
FLLEO - Florida Law Enforcement Officer
NCIC - National Crime Information Center
SDDO - Supervisory Detention and Deportation Officer
WSO - Warrant Service Officer
I-200 - Warrant of Arrest
I-205 - Warrant of Removal
I-247 - Immigration Detainer
I-203 - Booking Form

PREPARED BY THE PINELLAS COUNTY SHERIFF'S OFFICE

Florida Law Enforcement Officer Civil Immigration Arrest Work Flow

FOR ARREST *WITH* AN EXISTING ADMINISTRATIVE WARRANT (I-205 OR I-200)

A FLORIDA LAW ENFORCEMENT OFFICER HAS CONTACT WITH AN ALIEN OR FOREIGN BORN NATIONAL.



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SDDO - Supervisory Detention and Deportation Officer	

PREPARED BY THE PINELLAS COUNTY SHERIFF'S OFFICE

Under ICE policy, state and local DIOs cannot make probable cause arrests unless authorized to do so by an ICE supervisor.

The FIRC under our plan is important for 24/7 access to an SDDO who can authorize the arrest and issue the warrant (I-200).

Some of the issues that must be considered before arresting someone on civil immigration charges include:

1) Ensuring the DIO has the right person identified;

2) Ensuring the person is in fact not a U.S. citizen or does not have some other legal status:

   a. Some people have dual citizenship

   b. Some people are U.S. citizens and don't know it because of their parents' status.

   c. Some appear to be non-citizens because they carry a passport from one country but really have dual citizenship.

Florida Immigration Laws

F.S. 811.102

(1) Except as provided in subsection (2), an unauthorized alien who is 18 years of age or older and who knowingly enters or attempts to enter this state after entering the United States by eluding or avoiding examination or inspection by immigration officers commits a **misdemeanor** of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person convicted of a violation of this subsection must be sentenced to a mandatory minimum term of imprisonment of 9 months.

F.S. 811.102 (Continued)

(2)(a) An unauthorized alien who has one prior conviction for a violation of this section and who commits a second violation of subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person convicted of a violation of this paragraph must be sentenced to a mandatory minimum term of imprisonment of 1 year and 1 day.

F.S. 811.102 (Continued)

(3) An unauthorized alien may not be arrested for a violation of this section if the unauthorized alien was encountered by law enforcement **during the investigation of another crime** that occurred in this state **and** the unauthorized alien **witnessed or reported such crime or was a victim of such crime**.

F.S. 811.102 (Continued)

(4) It is an **affirmative defense** to prosecution under this section if: (a) The Federal Government has granted the unauthorized alien lawful presence in the United States or discretionary relief that authorizes the unauthorized alien to remain in the United States temporarily or permanently; (b) The unauthorized alien is subject to relief under the Cuban Adjustment Act of 1966; or (c) The unauthorized alien's entry into the United States did not constitute a violation of 8 U.S.C. s. 1325(a).

811.103 Illegal reentry of an adult unauthorized alien.

(1) An unauthorized alien who is 18 years of age or older commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she, after having been denied admission, excluded, deported, or removed or having departed the United States during the time an order of exclusion, deportation, or removal is outstanding, thereafter enters, attempts to enter, or is at any time found in this state. (continued on next slide)

811.103 Illegal reentry of an adult unauthorized alien (continued)

An unauthorized alien does not commit a violation of this subsection if, before the unauthorized alien's reembarkation at a place outside the United States or his or her application for admission from a foreign contiguous territory: (a) The Attorney General of the United States expressly consented to his or her reapplication for admission; or (b) With respect to an unauthorized alien who was previously denied admission and removed, the unauthorized alien establishes that he or she was not required to obtain such advance consent under the Immigration and Nationality Act, as amended.

811.103 Illegal reentry of an adult unauthorized alien (continued)

(2) Except as provided in subsection (3), an unauthorized alien who violates subsection (1) must be sentenced to a mandatory minimum term of imprisonment of 1 year and 1 day.

Questions?