

Orange County Corrections Department

BCC Work Session
Warrant Service Officer Program

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Outline

- Federal Law
- State Law
- Memorandum of Agreement (MOA)
- Jail Operations
- Summary





Federal Law

Are we able to share identifying information about ICE detainees with the public?

- Federal regulations and privacy concerns limit the jail's ability to share information relating to a detainee being held on an immigration warrant.
- 8 C.F.R. §236.6 states, "No person....shall disclose or otherwise permit to be made public the name of, or other information relating to such detainee."





Federal Law

Are we able to share identifying information about ICE detainees with the public? (cont.)

- ICE has successfully invoked privacy exemptions pursuant to 5 U.S.C. §552(b)(6) and §552(b)(7)(c), in response to Freedom of Information Act requests.
- Our current memorandum of agreement (MOA) with ICE limits our ability to release any information relating to the MOA without approval from ICE.





State Law

There should be some type of a trigger (a Resolution) that this Board passes for when the governor leaves office in two years—this trigger dissolves what we do today; the MOA moves forward, but we have a Resolution passed by this Board.

- § 908.11 states the County must enter into a written agreement with ICE to participate in the immigration program established under s. 287(g) of the Immigration and Nationality Act.
- The State Board of Immigration Enforcement must approve the termination of any such agreement.





Memorandum of Agreement

Does the Federal Government assume any liability when county correctional officers are working in their WSO capacity?

- Warrant Service Officer's will be treated as Federal employees for the purposes of the Federal Tort Claims Act, and workers' compensation claims, when performing a function on behalf of the Immigration Custom Enforcement as authorized by the (MOA).





Jail Operations

Are ICE detainees entitled to have attorneys appointed to represent them?

- Immigration matters, without a corresponding crime, are civil in nature and are generally not within the purview of the Public Defender's Office (Federal or State).
- The ICE website provides a link to a Legal Resource Information flier which contains links to legal service organizations that provide pro bono legal services.





Jail Operations

How can we be sure the data ICE is relying on to take people into custody is accurate?

- All arrested individuals are fingerprinted to verify their identity.





Jail Operations

Are there mechanisms in place for family members to be notified of the incarceration?

- Inmates can use the telephone and tablet to communicate with family members.





Jail Operations

Miami tracks the amount of time, name of person, country of origin and additional information.

- Corrections has a crystal report that tracks the inmates arrest date, date charges were resolved, and the date ICE was notified.

ACTIVE INMATES WITH AN I.C.E. HOLD AND NO ACTIVE CHARGES								
BOOK NO	NAME	INS	FBI #	Race/Sex	DOB	BOOK DT	NOTIFY DATE	CHARGE REL DT
				W/M	01/15/1985	10/30/2024		
ACTIVE DETAINERS:								
	04/02/2025	CONTRACT BILLING	IMMIGRATION & CUSTOMS ENF. (ICE)					
				W/M	07/25/2000	11/03/2024		3/31/2025
ACTIVE DETAINERS:								
	03/31/2025	CONTRACT BILLING	IMMIGRATION & CUSTOMS ENF. (ICE)					
				W/M	06/27/1999	11/12/2024		4/1/2025
ACTIVE DETAINERS:								
	04/01/2025	CONTRACT BILLING	IMMIGRATION & CUSTOMS ENF. (ICE)					
				W/M	12/08/1993	11/17/2024		4/1/2025
ACTIVE DETAINERS:								
	11/27/2024	FEDERAL	U.S. MARSHALS SERVICE					
	04/01/2025	CONTRACT BILLING	IMMIGRATION & CUSTOMS ENF. (ICE)					
				W/M	09/30/1984	01/01/2025		4/2/2025
ACTIVE DETAINERS:								
	04/02/2025	CONTRACT BILLING	IMMIGRATION & CUSTOMS ENF. (ICE)					
				W/M	03/28/2001	01/26/2025		3/31/2025
ACTIVE DETAINERS:								





Jail Operations

Corrections employees are being trained to facilitate the custodial transfer of designated aliens; we are paying their salary, benefits, overtime, etc.

- Under the MOA, Corrections is responsible for staff's salary when performing ICE duties.
- OCCD will continue to apply for the State Criminal Alien Assistance Program (SCAAP). It provides federal payments to states and localities that incurred correctional officer salary cost for incarcerating undocumented criminal aliens.
 - Must have at least one felony or two misdemeanor convictions for violations of state or local law
 - Incarcerated for at least 4 consecutive days during the reporting period





Jail Operations

It costs \$145 per day to incarcerate an inmate, and we are reimbursed \$88. That's a deficit of \$57 per day. How are we getting that money back and are the taxpayers paying it?

- Corrections is currently in the process of seeking an increase in the per diem rate.





Summary

- Federal Law prohibits OCCD from sharing information relating to an ICE Inmate being held on an immigration warrant
- State Law requires the County to enter into a written agreement with ICE to participate in a 287(g) program
- OCCD fingerprints all arrested inmates for identity purposes
- We provide inmates access to the telephone and tablets to communicate with the public
- We have an internal tracking system to monitor ICE inmates
- OCCD is seeking to increase the per diem rate for housing ICE inmates





Memorandum of Agreement

Questions?