

Orange County Corrections Department

BCC Discussion

**ICE Detainee Trends: Jail Operations,
Staffing Impacts, and Legal Considerations**

February 10, 2026

**Louis A. Quiñones, Jr., Chief of Corrections
Georgiana Holmes, Deputy County Attorney**



Outline

- Jail Statistics
- Intergovernmental Service Agreement (IGSA)
Negotiations Update
- Legal Considerations
- Summary





Outline

- **Jail Statistics**
- IGSA Negotiations Update
- Legal Considerations
- Summary





Jail Statistics

- The following jail statistics provides an overview of current jail population trends related to ICE detainees.
- It highlights booking activity, repeat bookings, and population impacts affecting jail operations.
- The data illustrates operational and staffing pressure resulting from increased ICE-related activity.
- These statistics provide the foundation for operational measures and procedural changes.





Bookings with ICE Detainers

Month	Total Bookings with ICE Detainers	Local Charges	No Local Charges
October 2025	550	111	439
November 2025	904	169	735
December 2025	1,232	151	1,081
January 2026	1,849	165	1,684





Jail Statistics

Average Daily Population with ICE Detainers

Month	Total Population with ICE Detainers	Local Charges	No Local Charges (With Other Detainers)	No Local Charges (No Other Detainers)
October 2025	201.8	158	13.5	30.3
November 2025	265.6	181.6	14.1	69.9
December 2025	295	185.3	17	92.7
January 2026	361.1	190.6	28.3	142.3





Jail Statistics

ICE Bookings and Repeat Bookings

Month	TOTAL ICE Bookings No Local Charges	TOTAL ICE Bookings No Local Charges (No Repeat)	TOTAL ICE Bookings No Local Charges (Repeat)	AVERAGE MONTHLY % of Total ICE Bookings (Repeat)
October 2025	439	298	141	32%
November 2025	735	438	297	43%
December 2025	1,081	558	523	46%
January 2026	1,684	613	1,071	64%





Jail Statistics

Repeat Bookings as of January 31, 2026

As of January 31, 2026, there were 84 inmates who were rebooked over the past 90 days. These inmates were responsible for a total of 260 rebookings.

Number of Inmates	Number of Repeat Bookings (Last 90 Days)
4	8 times
4	7 times
7	6 times
8	5 times
4	4 times
10	3 times
25	2 times
22	1 time





Jail Statistics

New Measures:

The rise in ICE bookings, repeat bookings, and the ICE population is placing a significant strain on jail operations and staffing resources. Therefore, OCCD is implementing the following two measures:

1. Set a maximum capacity for ICE inmates with no local charges at 130. (Males = 66 and Females = 64)
 - This will require one male housing unit and one female housing unit, each staffed with one full time employee (FTE) per shift. This is in addition to the daily overtime utilized due to staffing shortages.





Jail Statistics

2. OCCD will eliminate multiple bookings for the same immigration matter. ICE inmates will be limited to one continuous housing period of up to 72 hours per immigration hold.

On February 4, 2026, Mayor Jerry L. Demings sent a letter to the local ICE representative informing them of the two new measures that will become effective March 1, 2026.





Jail Statistics

Public Comments

- **Concerns were raised during public comment at prior BCC meetings regarding human rights violations, living conditions, food quality, and Corrections involvement with ICE activities.**
 - **All concerns were thoroughly reviewed and found to be unsubstantiated**
 - **Living conditions and food services meet established standards and undergo routine inspections**
 - **Corrections does not participate in ICE field enforcement**





Jail Statistics

- **Members of Congress and County Commissioners recently toured the jail and spoke with ICE detainees**
- **The Orange County Corrections Department has taken and continues to take appropriate measures to provide a safe and secure environment for staff and inmates. We will continue to address any concerns, both as they arise and by continually addressing improvements to our processes.**





Outline

- Jail Statistics
- **IGSA Negotiations Update**
- Legal Considerations
- Summary





IGSA Negotiations Update

- In 2011, the IGSA was modified to include the housing of individuals with an immigration hold from ICE or Customs and Border Protection.
- Daily cost is \$180 per ICE detainee with a reimbursement rate of \$88
- In 2025, Corrections submitted an application to increase the reimbursement rate. The United States Marshal's Service indicated the process may take 120 days or longer and they were experiencing staffing challenges.
- Negotiations have begun and as of February 5, 2026, our request has been forwarded to their Executive Management for review.





Outline

- Jail Statistics
- IGSA Negotiations Update
- **Legal Considerations**
- Summary





Legal Considerations

Chapter 908, Florida Statutes

- Section 908.106, Florida Statutes

- Each county correctional facility shall enter into an agreement with a federal immigration agency for temporarily housing persons who are the subject of immigration detainers and for the payment of the costs of housing and detaining those persons.
- A compliant agreement may include a basic ordering agreements (BOA) in effect after July 1, 2019 or agreements authorized by Section 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357.





Legal Considerations

Federal Per-Diem Reimbursement

- **Title 18 of the United States Code Annotated, Section 4013**
 - US Attorney General authorized to contract with local governments and establish reimbursement rate
 - Funding and reimbursement framework for housing federal prisoners in non-federal facilities
 - Federal regulation determines what are allowable costs

IGSA Provisions

- County can request a reimbursement rate modification
- Parties must attempt good faith communication and consultation





Legal Considerations

Dispute Over Per-Diem Reimbursement

- IGSA is a unique federal agreement subject to federal law
- Federal per-diem reimbursement subject to the Administrative Procedure Act
- Court of Federal Claims (Washington, DC) has exclusive jurisdiction to hear monetary claims against the United States
- County Attorney's Office will continue to monitor and evaluate legal options as negotiations proceed





Legal Considerations

Chapter 908, Florida Statutes

- Section 908.11, Florida Statutes

- The chief correctional officer operating a county detention facility must enter into a **written agreement** with the United States Immigration and Customs Enforcement to **participate in the immigration program** established under Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357.
- The State Board of Immigration Enforcement must approve the termination of any such agreement.





Legal Considerations

Chapter 908, Florida Statutes

- **Section 908.104, Florida Statutes**

- Consistent with all duties created in state and federal law, state and local law enforcement agencies and any official responsible for directing or supervising such agency shall use **best efforts** to support the enforcement of federal immigration law.

- **Courts act on concrete disputes, not abstract questions**
- **Facts are developing through County operations and ICE's response**
- **Litigation when County is on firm legal ground and the court has a clear factual record to review**





Legal Considerations

Federal Detention Standards

- **287(g) Agreement language:**
 - A detainee will continue to be held in the correctional facility for no more than 48 hours **unless** there exists an agreement pursuant to which the facility will continue to detain, for a reimbursable fee, persons for immigration purposes.
- **Immigration detention is governed by federal law**
- **Federal Performance-Based Detention Standards inform detention time thresholds**
- **Orange County Jail inspected and noted as a facility with a classification level for “periods less than 72 hours”**

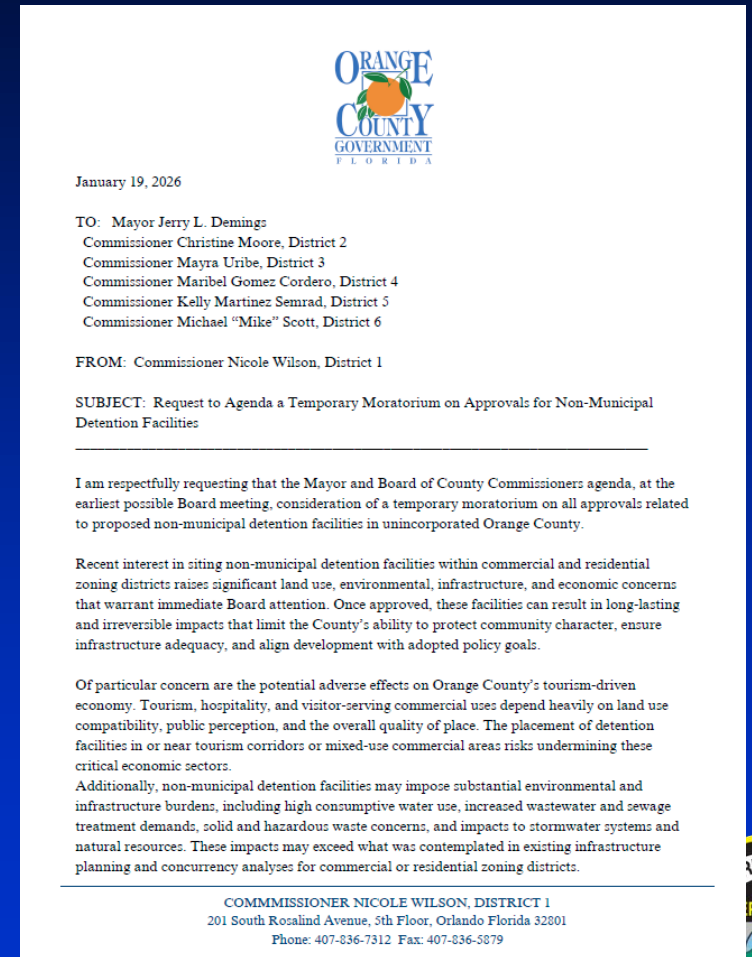




Temporary Moratorium on Detention Facilities

District 1 Commissioner's Request

- January 19, 2026 Memo
- Pause any County approvals for non-municipal detention facilities in unincorporated Orange County to allow study of:
 - Land-use compatibility with commercial and residential zoning
 - Environmental impacts
 - Infrastructure capacity and demands
 - Economic impacts, including effects on tourism





Legal Considerations

- **Federal Considerations**
 - Federal law takes precedence
 - Supremacy Clause – Article VI, Clause 2 of the U. S. Constitution
 - Immigration is a federal issue
- **State Considerations**
 - State law applies only when the State is acting
 - Local review, but no veto power
 - State interest controls when there is a conflict





Legal Considerations

- **Chapter 2025-190, Laws of Florida (SB 180)**
 - **Section 252.422, Florida Statutes**
 - For one year after a hurricane makes landfall, a local government directly impacted by the storm may not adopt a moratorium on construction, reconstruction, or redevelopment of property.
 - **Section 28 - Disaster declaration limits through Oct. 1, 2027**
 - Counties included in federal disaster declarations for Hurricanes Debby, Helene, or Milton may not adopt a moratorium or more restrictive land-use rules affecting **property damaged by those hurricanes**; any such action would be legally invalid.
 - **Enforcement by residents and businesses:**
 - Residents or business owners may sue a county for violating this law and seek an immediate court order stopping the moratorium or regulation.





Outline

- Jail Statistics
- IGSA Negotiation Update
- Legal Considerations
- Summary





Summary

- **Rising ICE bookings, repeat bookings, and population are placing increased strain on OCCD jail operations and staffing resources.**
- **OCCD will implement a maximum capacity for ICE inmates without local charges, capped at 130 total inmates (66 males and 64 females), to better manage operational impact.**
- **OCCD will eliminate multiple bookings for the same immigration matter, limiting ICE detainees to one continuous housing period of up to 72 hours.**





Summary

- On February 4, 2026, Mayor Jerry L. Demings formally notified ICE of the new operational measures, which will take effect March 1, 2026.
- The County working is on collaborative resolution through good-faith engagement related to the per diem reimbursement rate.
- The County Attorney's Office will continue to assess legal options and advise the Board.





Questions?



Orange County Corrections Department

BCC Discussion

**ICE Detainee Trends: Jail Operations,
Staffing Impacts, and Legal Considerations**

February 10, 2026

**Louis A. Quiñones, Jr., Chief of Corrections
Georgiana Holmes, Deputy County Attorney**