

***Orange County Corrections Department***

# **BCC Discussion**

**Warrant Service Officer Memorandum of  
Agreement Update and Intergovernmental Service  
Agreement**

**July 15, 2025**

**Louis A. Quiñones, Jr., Chief of Corrections  
Scott Shevenell, Asst. County Attorney**



# Outline

- **Agreements**
  - **Warrant Service Officer (WSO) Memorandum of Agreement (MOA)**
  - **WSO MOA Addendum**
  - **Basic Ordering Agreement (BOA)**
  - **Intergovernmental Service Agreement (IGSA)**
- **Legal Considerations**
- **Jail Operations Update**
- **Summary**





# Outline

- **Agreements**
  - **Warrant Service Officer (WSO) Memorandum of Agreement (MOA)**
  - **WSO MOA Addendum**
  - **Basic Ordering Agreement (BOA)**
  - **Intergovernmental Service Agreement (IGSA)**
- **Legal Considerations**
- **Jail Operations Update**
- **Summary**





# Warrant Service Officer

- Pursuant to Section 908.11, Florida Statutes, the County was obligated to enter into a 287(g) agreement with Immigration and Customs Enforcement (ICE).
- On March 25, 2025, the Board of County Commissioners ratified the MOA regarding the WSO 287(g) program.
  - The power and authority to serve warrants of arrest for immigration violations.
  - The power and authority to serve warrants of removal.
- 17 correctional officers are trained and credentialed as a WSO.





# Outline

- **Agreements**
  - Warrant Service Officer (WSO) Memorandum of Agreement (MOA)
  - **WSO MOA Addendum**
  - Basic Ordering Agreement (BOA)
  - Intergovernmental Service Agreement (IGSA)
- Legal Considerations
- Jail Operations Update
- Summary





# WSO Addendum

**On June 6, 2025, the Florida Sheriffs Association (FSA) noticed all Sheriffs and County operated correctional facilities that the ICE 287(g) program made updates to their existing WSO MOA.**

## **Three updates to the MOA**

- 1. It modified a notification address in the Liability and Responsibility section, for personnel submitting a representation request for tort claims, from the local ICE office chief counsel to the Office of the Principle Legal Advisor.**





# **WSO Addendum**

- 2. It listed language, already included in the Civil Rights Standards section, about participating LEA personnel being bound by all Federal civil rights laws, regulations, and guidance relating to non-discrimination.**
- 3. It added language regarding the power and authority to detain and transport arrested aliens to an ICE approved facility, upon a request of an ICE Officer and upon authorization from the LEA.**

**We did not sign the addendum primarily because it was not required by law. While s. 908.11, F.S. requires us to have a 287(g) agreement, it does not mandate that we sign all amendments to the agreement.**





# WSO Addendum

**On June 26, 2025, Corrections sent a letter to FSA indicating the County was not signing the addendum because:**

- 1. The change in the notification address could be noted without the need for an addendum.**
- 2. The civil rights language was identical to the original MOA.**
- 3. Orange County did not have the resources to transport detainees on behalf of ICE and the language appeared to be discretionary.**

**FSA verbally acknowledged receipt of our letter and understood our position.**





# Outline

- **Agreements**

- Warrant Service Officer (WSO) Memorandum of Agreement (MOA)
- WSO MOA Addendum
- **Basic Ordering Agreement (BOA)**
- Intergovernmental Service Agreement (IGSA)

- **Legal Considerations**

- **Jail Operations Update**

- **Summary**





# Basic Ordering Agreement (BOA)

- **Counties without an IGSA were directed to sign a BOA in conjunction with the WSO (287g) agreement.**
- **It allows counties to bill ICE at a fixed rate of \$50 for housing an inmate up to 48 hours.**
- **Orange County did not sign the BOA because our IGSA already provides for payment for housing ICE inmates.**





# Outline

- **Agreements**

- Warrant Service Officer (WSO) Memorandum of Agreement (MOA)
- WSO MOA Addendum
- Basic Ordering Agreement (BOA)
- **Intergovernmental Service Agreement (IGSA)**

- **Legal Considerations**

- **Jail Operations Update**

- **Summary**





# IGSA

- **Since 1983, Orange County has maintained an IGSA with the United States Marshals Service (USMS) for housing federally charged or convicted individuals.**
- **In 2011, the agreement was modified to include the housing of individuals with an immigration hold from ICE or Customs and Border Protection (CBP).**
- **We are one of a few counties with an IGSA for immigration housing.**
- **We are finalizing our application to increase the IGSA rate.**
  - **Lengthy process.**
  - **Cost justification must be provided.**





## Average daily population of USMS inmates since 2022:

Year	USMS Inmate ADP
2022	57
2023	79
2024	73
2025*	109

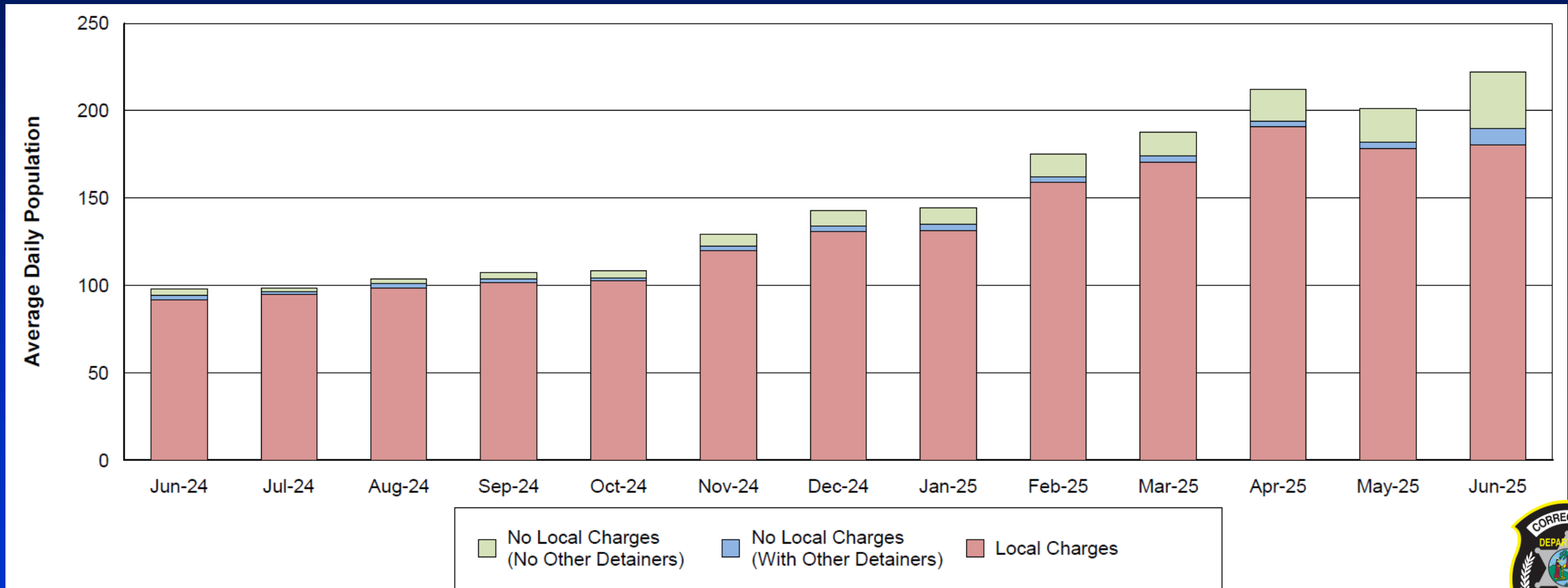
*\*1/1/2025 – 6/30/2025*

## Average daily population of persons held with an immigration hold.

Monthly Analysis from June 2024 to June 2025				
Month	Total Population with ICE Detainers	Local Charges	No Local Charges (With Other Detainers)	No Local Charges (No Other Detainers)
June 2024	98.2	91.6	2.7	3.9
December 2024	142.8	130.9	2.9	9.0
January 2025	144.1	131.6	3.5	9.0
March 2025	187.8	170.5	3.4	13.9
June 2025	221.8	180.1	9.9	31.8



## Average daily population of all persons held on an immigration hold.





# Outline

- **Agreements**
  - **Warrant Service Officer (WSO) Memorandum of Agreement (MOA)**
  - **WSO MOA Addendum**
  - **Basic Ordering Agreement (BOA)**
  - **Intergovernmental Service Agreement (IGSA)**
- **Legal Considerations**
- **Jail Operations Update**
- **Summary**





# Legal Considerations

## Is the IGSA required by law?

- **The Federal Government cannot mandate our participation. The 10<sup>th</sup> Amendment guards against the Federal Government directing states or local governments to perform federal functions.**
- **Like most contracts, the IGSA contains termination language (50-days written notice).**
- **Terminating the IGSA would not relieve the County from its obligation to honor detainers, placed by ICE, on individuals housed on state/local charges, but may reduce the amount of time they are held for ICE.**





# Legal Considerations

## Can the IGSA be modified to exclude ICE inmates?

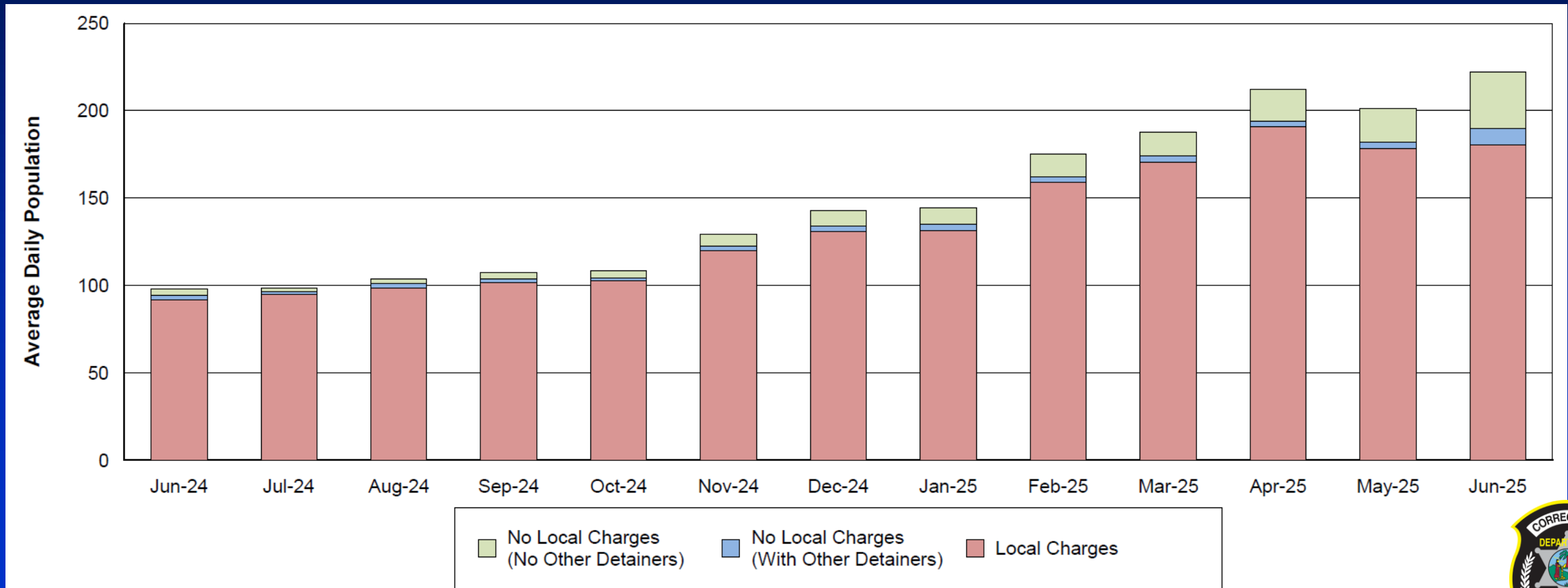
- The contract allows for modifications.
- Notice of the proposed change(s) would need to be provided to the Federal Government and would require their agreement.
- The Federal Government cannot mandate that the County house ICE inmates pursuant to the IGSA.
- Modifying the IGSA would not relieve the County from its obligation to honor detainers, placed by ICE, on individuals housed on state/local charges, but may reduce the amount of time they are held by ICE.





# Legal Considerations

**Average daily population of all persons held on an immigration hold.**





# Legal Considerations

## Potential unintended consequences of terminating or modifying the IGSA

- Challenges for the USMS in its efforts to house and transport inmates facing federal criminal charges.
- The withholding of federal financial assistance.
- Being mandated by the State to enter into a worse agreement (BOA) and/or new/clarifying legislation.





# Legal Considerations

## Inmates facing federal criminal charges

- The Orange County Jail has a long history of housing federal inmates who are facing federal criminal charges.
- Inmates may be incarcerated for charges such as murder, bank robbery, kidnapping, drug trafficking, human trafficking, and child pornography.
- Terminating the IGSA would result in those inmates needing to be housed elsewhere.





# Legal Considerations

## Withholding of federal financial assistance

- While the Federal Government cannot mandate our participation, it can coerce state and local governments by withholding federal financial assistance.
- The County receives in excess of \$100 million in recurring federal grant funding.
- Federal agencies may make receipt of financial assistance contingent on cooperation with ICE efforts. *See e.g.* the U.S. Department of Transportation's letter dated April 24, 2025, outlining its expectation that recipients cooperate with Federal officials in the enforcement of Federal immigration law.





# Legal Considerations

## Federal financial assistance

- **The County receives large sums of money for programs like Head Start, Community Development, HIV, Assistance to Firefighters, and various road projects.**
- **Corrections, itself, receives Justice Assistance grant money.**





# Legal Considerations

## Mandated BOA and/or new legislation

- **The State has already demonstrated its willingness/desire to assist the Federal Government in its immigration enforcement as reflected in Ch. 908, Florida Statutes.**
- **It is likely the State will argue we are required to have a BOA, pursuant to Ch. 908, Florida Statutes, if the IGSA is terminated or modified to eliminate the ICE language.**
- **Any disagreement with regard to our obligation to house inmates pursuant to a BOA, could be addressed by the State through court action and/or legislation.**





# Outline

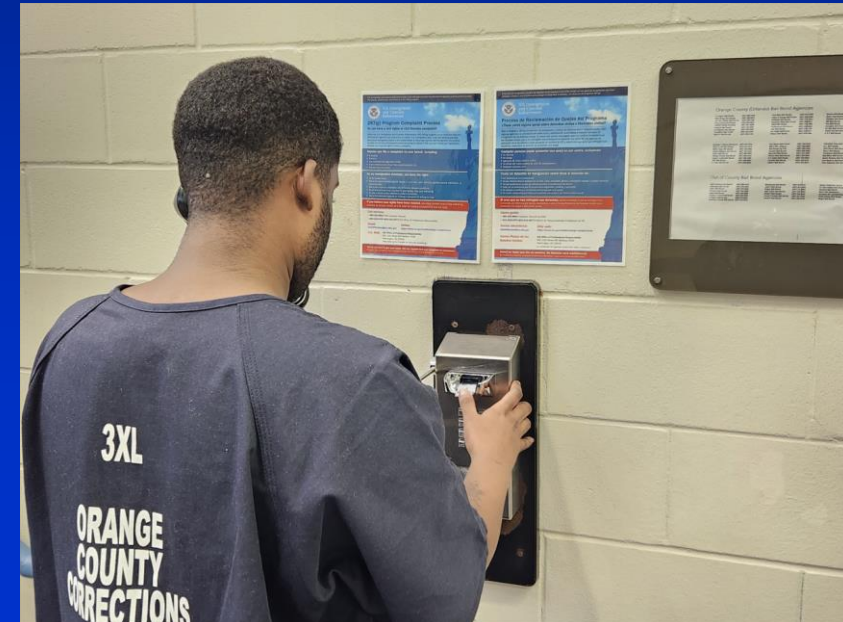
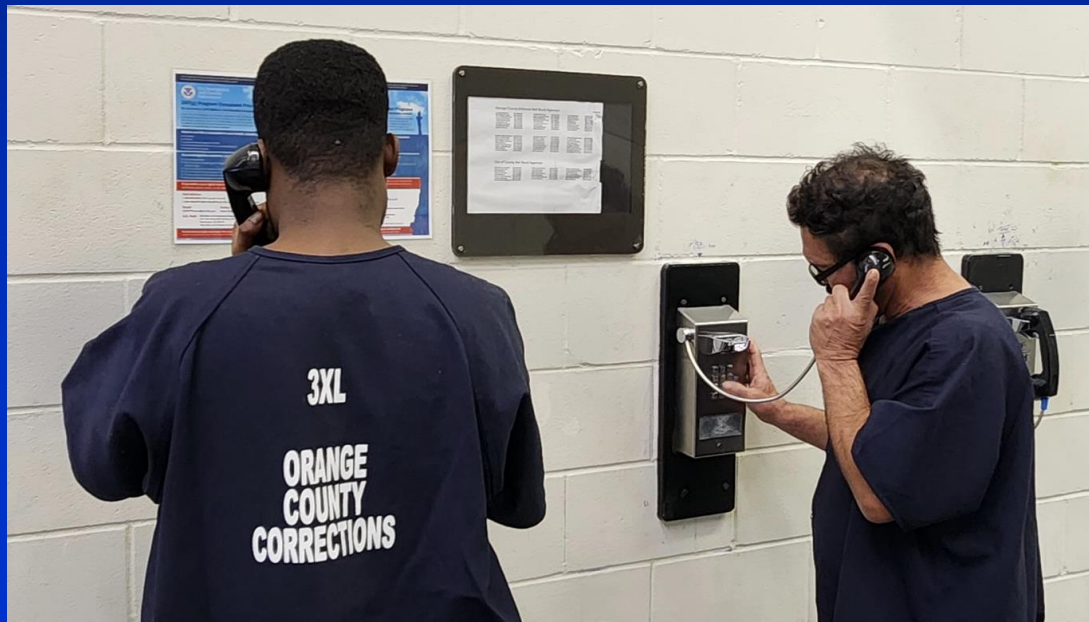
- **Agreements**
  - **Warrant Service Officer (WSO) Memorandum of Agreement (MOA)**
  - **WSO MOA Addendum**
  - **Basic Ordering Agreement (BOA)**
  - **Intergovernmental Service Agreement (IGSA)**
- **Legal Considerations**
- **Jail Operations Update**
- **Summary**





# Jail Operations Update

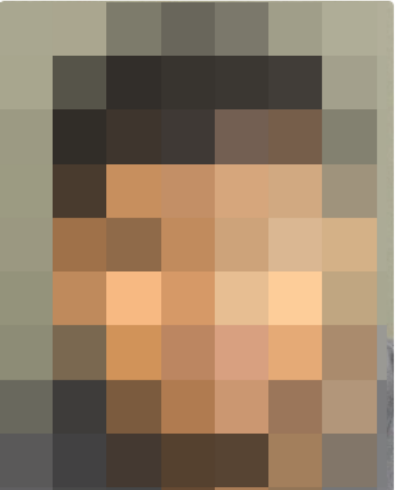
- Housing
- Telephone Access
- Immigration Flyer





# Jail Operations Update

Orange County Incarcerations ×



DOE, JOHN

Booking Number: [REDACTED]

Race: WHITE

Gender: MALE

Age: 21

Last Known Location: ORLANDO

Cell: H-4A-30

Date Booked: 04/25/2025

Number of Holds: 1

Notes: NONE

**IMMIGRATION HOLD**

Charges

CLOSE

## Public Website:

**BestJail.com > Current Inmate Database**

- **Now publicly displays all detainees with an "Immigration Hold Only"**





# Outline

- **Agreements**
  - **Warrant Service Officer (WSO) Memorandum of Agreement (MOA)**
  - **WSO MOA Addendum**
  - **Basic Ordering Agreement (BOA)**
  - **Intergovernmental Service Agreement (IGSA)**
- **Legal Considerations**
- **Jail Operations Update**
- **Summary**





# Summary

- **We signed the original WSO 287(g) agreement, which was mandated by law (SB 2C), but did not sign the addendum.**
- **We have a long history with the USMS of housing federal inmates through an IGSA.**
- **We are finalizing our application to increase the IGSA rate.**
- **Terminating or modifying the IGSA will not absolve the Orange County Jail from honoring immigration holds on individuals.**
- **Terminating or modifying the IGSA could threaten federal revenues received by the County.**





# Summary

## Board Options

*Maintain status quo and renegotiate the IGSA rate.*

### Effects:

- **Maintain existing relationship with federal partners.**
- **Continued IGSA revenue with possible increase in the reimbursement rate.**
- **Minimize risks of losing federal funding.**
- **Potential increase in the inmate population.**





# Summary

## Board Options

***Modify the existing IGSA to exclude immigration provisions.***

### Effects:

- **Maintain a long-standing relationship with the USMS.**
- **Maintain funding for the housing of federal inmates.**
- **May be mandated to enter into a worse agreement, such as a BOA, to house immigration inmates.**
- **Potential withholding of federal financial assistance.**
- **ICE/CBP will need housing alternatives for immigration inmates.**
- **Potential reduction in the inmate population.**





# Summary

## Board Options

### *Terminate the IGSA*

#### Effects:

- **Loss of long-term relationship with federal partners.**
- **Loss of federal revenue.**
- **Potential withholding of federal financial assistance.**
- **May be mandated to enter into a worse agreement, such as a BOA, to house immigration inmates.**
- **Federal partners will need housing alternatives for federal and immigration inmates.**
- **Loss of the federal inmate population.**





# BCC Discussion

**Questions?**

***Orange County Corrections Department***

# **BCC Discussion**

**Warrant Service Officer Memorandum of  
Agreement Update and Intergovernmental Service  
Agreement**

**July 15, 2025**

**Louis A. Quiñones, Jr., Chief of Corrections  
Scott Shevenell, Asst. County Attorney**