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Sheriffs Announce Immigration Solution with Federal Partner

For over a year the Major County Sheriffs of America (MCSA) has sought resolution to the legal complexities and challenges surrounding Immigration and Customs Enforcement (ICE) detainer requests. Today, the MCSA in close coordination with ICE leadership, announced the phased implementation of the Basic Ordering Agreement (BOA) for seventeen Florida counties.

“Today’s announcement is about public safety – period. For years, Sheriffs have had to choose between releasing criminal illegal aliens from their jails back into the community, or exposing themselves to potential civil liability. Both choices are unacceptable and that is why the Basic Ordering Agreement model being unveiled today is the linchpin in allowing us to faithfully execute our public safety duties,” said Major County Sheriffs of America Treasurer and Pinellas County Sheriff Bob Gualtieri.

The BOA is the result of a time intensive effort that will enable Sheriffs to lawfully hold criminal illegal aliens beyond their scheduled release date on state charges so that ICE may take custody and begin removal proceedings. The BOA is authorized by federal law and is analogous to what is being done in jails throughout the country that have contracts with the US Marshals Service.

Sheriffs have been hamstrung due to numerous federal courts rulings that ICE detainees are unconstitutional and exceed Sheriffs' arrest authority. Without proper arrest authority, Sheriffs cannot willfully disregard an individual’s 4th amendment rights as articulated in these court cases.

The detainer issue is complex and today’s announcement would not have been possible without the leadership and dedication of ICE Deputy Director Thomas Homan, ICE Enforcement and Removal Operations, the Department of Justice, the Major County Sheriffs of America and the National Sheriffs’ Association.

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The [Major County Sheriffs of America](#) (MCSA) is a professional law enforcement association of elected sheriffs representing counties or parishes with 500,000 population or more. MCSA is dedicated to preserving the highest integrity in law enforcement, corrections and the elected Office of the Sheriff. MCSA's membership represents over 100 million Americans, and works to promote a greater understanding of strategies to address future problems and identify law enforcement challenges facing members of the organization.