

MEMORANDUM OF AGREEMENT 287(g) Jail Enforcement Model

I. PARTIES

This Memorandum of Agreement (MOA) constitutes an agreement between U.S. Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS), and FULL NAME OF LAW ENFORCEMENT AGENCY STATE, hereinafter the law enforcement agency (LEA), pursuant to which ICE delegates to nominated, trained, certified, and authorized LEA personnel the authority to perform certain immigration enforcement functions as specified herein. The LEA and ICE enter into this MOA in good faith and agree to abide by the terms and conditions contained herein.

II. PURPOSE

The purpose of this collaboration is to enhance the safety and security of communities by focusing resources on identifying and processing removable aliens who have been arrested and booked into the LEA's jail/correctional facilities. This MOA sets forth the terms and conditions pursuant to which selected LEA personnel (participating LEA personnel) will be nominated, trained, and approved by ICE to perform certain limited functions of an immigration officer within the LEA's jail/correctional facilities. Nothing contained herein shall otherwise limit the jurisdiction and powers normally possessed by participating LEA personnel as members of the LEA. However, the exercise of the immigration enforcement authority delegated under this MOA to participating LEA personnel shall occur only as provided in this MOA.

The Jail Enforcement Model (JEM) of 287(g) provides certain immigration enforcement powers to local deputies within the jail and jail operations. JEM involves more immigration activities than Warrant Service Officer (WSO) model of 287(g), but does not delegate the sweeping powers associated with the Task Force model (TFM).

The primary function of a JEM program is to ensure that immigrants get transferred to ICE rather than being released and allowed to go home.

Under JEM, local jail officers not only ensure that people are transferred to ICE, but officers do the work of figuring out who in the jail is an immigrant, whether they may be subject to deportation, and issue the detainer request from ICE to hold a person 48 hours past their scheduled release from criminal custody. Then the jail officers will also carry out the transfer to ICE custody, and they may physically bring the person to other ICE facilities as well.

Not all of a state or local law enforcement agency's agents or officers will be approved and authorized to perform immigration enforcement functions--only some.

The JEM powers delegated to local officers are limited and only apply inside the jail to people already in local custody.

287(g) delegated officers also retain their regular policing authority under state law.

III. AUTHORITY

Section 287(g) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1357(g) (1996), as amended by the Homeland Security Act of 2002, Pub. L. No. 107-296, authorizes the Secretary of DHS to enter into written agreements with a State or any political subdivision of a State so that qualified personnel can perform certain functions of an immigration officer. Such authority has been delegated by the Secretary to ICE, and this MOA constitutes such a written agreement.

IV. RESPONSIBILITIES

ICE retains sole discretion in determining how it will manage its limited resources and meet its mission requirements. ICE will assume custody of an alien only after said individual has been released from LEA custody.

A. DESIGNATION OF AUTHORIZED FUNCTIONS

Approved participating LEA personnel will be authorized to perform only those immigration officer functions set forth in the Standard Operating Procedures (SOP) in Appendix A.

B. NOMINATION OF PERSONNEL

The LEA will use due diligence to screen and nominate candidates for ICE training and approval under this MOA. All candidates must be United States citizens, have knowledge of, and authority to enforce, laws and regulations pertinent to their law enforcement activities within their respective jurisdictions, have been trained on maintaining the security of LEA facilities, and have the authority to enforce rules and regulations governing inmate accountability and conduct.

The statute allows any state or political subdivision of a state to enter 287(g). This raises a legal question of whether law enforcement or other agencies can enter an MOA without the approval of the state or political subdivision they are part of.

ICE still gets to make the enforcement decisions. Even if a JEM delegated officer issues a detainer, ICE may still elect not to come arrest the person.

ICE says they will only arrest people once they are released from local custody. However, ICE regularly detains people with pending state charges, who are released from local custody on bail or on their own recognizance. ICE may or may not be willing to bring the person back from ICE detention to defend their case in state court.

The immigration enforcement activities authorized under a JEM agreement are limited to what is laid out in Appendix A.

The local agency will nominate officers for delegation of immigration powers under the JEM, but ICE will do a background check and decide who actually gets authorized. The officers must qualify for access to DHS and ICE database systems under the access rules for those systems.

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C. TRAINING OF PERSONNEL

Before participating LEA personnel receive authorization to perform immigration officer functions under this MOA, they must successfully complete delegation of immigration authority training provided by ICE on relevant administrative, legal, and operational issues tailored to the immigration enforcement functions to be performed.

D. CERTIFICATION AND AUTHORIZATION

Upon successful completion of initial training, LEA personnel shall be deemed “certified” under this MOA.

ICE will certify in writing the names of those LEA personnel who successfully complete training

E. COSTS AND EXPENDITURES

ICE is responsible for the installation and maintenance of the Information Technology (IT) infrastructure. The use of the IT infrastructure and the DHS/ICE IT security policies are defined in the Interconnection Security Agreement (ISA). The ISA is the agreement between ICE’s Chief

Formerly four weeks, the JEM training has been reduced to five days. <https://www.wusf.org/courts-law/2025-02-25/ice-florida-sheriffs-cooperation-agreements-await-streamlined-training>

In order to carry out their delegated powers, JEM officers need to know enough immigration law to determine a person’s current citizenship and immigration status, whether they are subject to detention and/or deportation, and how to analyze immigration documents and records in order to make those determinations.

Refresher training will be required but not more often than every two years, despite the fact that immigration laws and procedures change frequently.

This section covers how designated officers are certified to use immigration authority. Authorization is provided for each individual that is nominated and passes all the tests. Officers are authorized to use JEM powers for two years, unless extended or revoked. They receive ICE Form 70-006 and authorization letters showing their designation, and they are required to carry their ICE-issued credentials while performing immigration enforcement functions.

ICE may revoke an LEA’s or individual officer’s authority under the WSO at any time or for any reason, and the revocation will be recorded in a written notice. All immigration powers are immediately revoked if the MOA is terminated. The local agency may also withdraw itself or a particular officer from the program at any time.

ICE will install some software/technology infrastructure that allows JEM officers to access DHS databases and fill out certain immigration forms, like I-247 ICE detainees.

Otherwise, 287(g) operations, including salaries, benefits, transportation, and supplies, are carried out entirely at the participating agency’s expense. If ICE determines that there will be in person training, then ICE may reimburse for travel and housing, and per diem expenses only during the training.

In September 2025, ICE announced an intention to reimburse 287(g) participants for salaries and benefits of designated officers, but so far this appears to apply only to the Task Force model, not JEM or WSO.

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F. ICE SUPERVISION

Immigration enforcement activities conducted by participating LEA personnel will be supervised and directed by ICE. Participating LEA personnel are not authorized to perform immigration officer functions except when working under the supervision or direction of ICE. Additional

G. INTERPRETATION SERVICES

Participating LEA personnel will provide an opportunity for aliens with limited English language proficiency to request an interpreter. Qualified foreign language interpreters will be provided by the LEA, as needed. Whether or not an interpreter is used, the record should always include questions and answers concerning the need for an interpreter.

H. LIABILITY AND RESPONSIBILITY

Except as otherwise noted in this MOA or allowed by Federal law, and to the extent required by 8 U.S.C. § 1357(g)(7) and (8), the LEA will be responsible and bear the costs of participating LEA personnel with regard to their property or personal expenses incurred by reason of death, injury,

I. CIVIL RIGHTS STANDARDS

Participating LEA personnel are bound by all Federal civil rights laws, regulations, and guidance relating to non-discrimination, including the U.S. Department of Justice "Guidance for Federal

The MOA says that 287(g) officers must only do immigration enforcement activities as supervised or directed by ICE. The MOA provides no details on the structure or nature of this supervision, and in practice, JEM officers will interrogate people about their immigration history, search DHS databases, and issue detainers without advance permission or direction from ICE.

Agencies must "provide an opportunity" for people with limited English language proficiency to request an interpreter. There are no details as to what constitutes an opportunity to request interpretation.

If interpretation is requested, it is dependent on the local agency to arrange it. The LEA is directed to maintain a list of qualified interpreters or companies.

This section describes liability for 287(g) officers if they are sued, or if they incur costs or injuries while performing their work.

Generally, 287(g) officers are effectively federal agents for purposes of liability and immunity. They can be sued under federal laws for actions carried out when performing immigration enforcement, and the federal government would be liable if a court finds violations. The US DOJ may, but is not obligated to, represent them in court.

Participating state or local law enforcement agencies agree to cooperate with any federal investigations related to the agreement. Agencies are also responsible for complying with federal privacy laws governing data collection and use of personal information.

Although 287(g) officers are not federal agents, they are bound by federal civil rights laws, as well as state laws.

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V. REPORTING AND DOCUMENTATION

A. COMPLAINT PROCEDURES

The complaint reporting procedure for allegations of misconduct by participating LEA personnel, including activities undertaken under the authority of this MOA, is included in Appendix B.

B. COMMUNICATION

The FOD, or the FOD's management representative, and the LEA shall make every effort to meet at least annually to ensure compliance with the terms of this MOA. When necessary, ICE and the LEA may limit the participation of these meetings in regard to non-law enforcement personnel. The attendees will meet at a location to be agreed upon by the parties, or via teleconference. An initial review meeting between ICE and the LEA should be held within approximately 12 months of the MOA's operational date.

C. RELEASE OF INFORMATION TO THIRD PARTIES

The LEA may, at its discretion, communicate the substance of this agreement to media and other third parties expressing an interest in the law enforcement activities to be engaged in under this MOA. It is the practice of ICE to provide a copy of this MOA, only after it has been signed, to requesting media outlets; the LEA is authorized to do the same.

VI. MODIFICATIONS TO THIS MOA

Modifications to this MOA, including the Appendices, must be proposed in writing and approved and signed by both parties.

There is a specific complaint procedure for 287(g) that is described in Appendix B.

The ICE Field Office Director or management is supposed to meet with the LEA once per year. There is no requirement of any public reporting or participation of the public or other elected officials.

The 287(g) MOA itself can be released at the local agency's discretion.

Regarding other data, the MOA claims that LEAs must coordinate with ICE before releasing any information related to 287(g) operations. Additionally, the MOA states that information resulting from the 287(g) agreement is under the control of ICE.

However, local agencies cannot contract themselves out of their legal obligations under state open records laws.

The MOA can be modified individually, although most jurisdictions all have essentially the same agreement.

VIII. EFFECTIVE DATE, SUSPENSION, AND TERMINATION OF THIS MOA

This MOA becomes effective upon signature of both parties and will remain in effect until either party terminates or suspends the MOA. Termination by the LEA shall be provided, in writing, to the local Field Office.

ICE reserves the right to conduct an internal review of this MOA every three years. In instances where serious misconduct or violations of the terms of the MOA come to the attention of ICE, the ICE Director may, upon recommendation of the Executive Associate Director for Enforcement and Removal Operations, elect to immediately suspend the MOA pending investigation of the misconduct and/or violations.

APPENDIX A

STANDARD OPERATING PROCEDURE (SOP)

The purpose of this appendix is to establish standard, uniform procedures for the implementation and oversight of this MOA within the FOD area of responsibility.

Pursuant to this MOA, the LEA has been delegated authorities under the Jail Enforcement Model (JEM) Program as outlined below. The 287(g) JEM Program is designed to identify and process removable aliens within the LEA's jail/correctional facilities.

The agreement remains in effect indefinitely. But either ICE or the participating agency can terminate the program at any time.

ICE may review or reconsider a 287(g) agreement, and if there is "serious misconduct" or violations they may suspend the program. In practice, this almost never happens without extensive publicity on very extreme abuses.

The main purpose of JEM is to find immigrants in state and local custody and transfer them to ICE detention. With a JEM agreement, the local officers take on more pieces of that process than they would otherwise be allowed to do. But many jails will do these transfers without any 287(g) agreement at all, especially in states that have made compliance with ICE detainers mandatory.

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Authorized Functions:

Participating LEA personnel performing immigration-related functions pursuant to this MOA will be LEA officers assigned to detention duties. Those participating LEA personnel will exercise their immigration-related authorities only during the course of their normal duties while assigned to the LEA's jail/correctional facilities.

Participating LEA personnel are delegated only those authorities listed below:

- The power and authority to interrogate any person detained in the participating law enforcement agency's detention center who the officer believes to be an alien about his or her right to be or remain in the United States, 8 U.S.C. § 1357(a)(1) and 8 C.F.R. § 287.5(a)(1), and to process for immigration violations any removable alien or those aliens who have been arrested for violating a Federal, State, or local offense;
- The power and authority to serve and execute warrants of arrest for immigration violations, 8 U.S.C. § 1357(a) and 8 C.F.R. § 287.5(e)(3), on designated aliens in LEA jail/correctional facilities at the time of the alien's scheduled release from criminal custody in order to transfer custody of the alien to ICE;

JEM designated officers have limited immigration enforcement powers, as listed in the MOA.

Power to question people in their custody about their immigration status and history. Unless state law forbids it, officers can ask anyone about their immigration status without having 287(g) powers, but either way people still have the right to remain silent and not answer questions.

Power to "process for immigration violations" is not a defined authority, but likely means entering the person's information and immigration history into DHS databases for purpose of planning an immigration arrest, removal or bringing deportation charges.

287(g) officers can serve and execute administrative immigration arrest warrants in the jail. This means they can arrest the person named in an ICE warrant that already exists (including ones found in the National Crime Information Center federal database).

Local JEM officers do not have power to issue warrants, which are based on either a removal order or pending deportation proceedings.

JEM only authorizes immigration enforcement activities within a local jail.

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- Upon transfer of the alien's custody to ICE, the alien will continue to be held in the LEA's jail/correctional facilities for no more than 48 hours unless there exists an agreement pursuant to which the LEA will continue to detain, for a reimbursable fee, aliens for immigration purposes. In the absence of an agreement, if the alien is not transferred to an ICE field office or an immigration detention facility within 48 hours, the alien shall be released from the LEA's jail/correctional facility.
- The power and authority to serve warrants of removal, 8 U.S.C. § 1357(a) and 8 C.F.R. §§ 241.2(b)(2), 287.5(e)(3), on designated aliens in LEA jail/correctional facilities at the time of the alien's scheduled release from criminal custody that executes the custodial transfer of the alien to ICE for removal purposes;
 - Upon transfer of the alien's custody to ICE, the alien will continue to be held in the LEA's jail/correctional facilities for no more than 48 hours unless there exists an agreement pursuant to which the LEA will continue to detain, for a reimbursable fee, aliens for immigration purposes. In the absence of an agreement, if the alien is not transferred to an ICE field office or an immigration detention facility within 48 hours, the alien shall be released from the LEA's jail/correctional facility.
- The power and authority to administer oaths and to take and consider evidence, 8 U.S.C § 1357(b) and 8 C.F.R. § 287.5(a)(2), to complete required alien processing, including fingerprinting, photographing, and interviewing of aliens, as well as the preparation of affidavits and the taking of sworn statements for ICE supervisory review;

JEM designated officers have limited immigration enforcement powers, as listed in the MOA.

If the jail also has a detention contract with ICE, then the JEM officer may transfer the person into ICE custody under that contract. This also may not require taking the person anywhere, but will allow the jail to bill ICE for detention costs, and to hold the person in immigration custody for more than 48 hours.

If there is no detention contract and neither an ICE agent nor the JEM officer has taken the person to an ICE field office or other ICE detention center within 48 hours, then they must be released.

Warrants of removal are basically the same as administrative arrest warrants, except that they are issued after someone has been ordered deported.

The JEM activities associated with removal warrants are the same as with administrative arrest warrants: JEM officers can serve them and make the arrests, but ICE must issue the warrants.

Authority to take fingerprints and photographs for immigration records and to get evidence for a deportation case. For example, to hear and record an admission of unlawful entry or criminal conduct.

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- The power and authority to prepare charging documents, 8 U.S.C. §§ 1225(b)(1), 1228, 1229, and 1231(a)(5); 8 C.F.R. §§ 235.3, 238.1, 239.1, and 241.8, including the preparation of a Notice to Appear or other charging document, as appropriate, for the signature of an ICE officer;
- The power and authority to detain and transport, 8 U.S.C. § 1357(g)(1) and 8 C.F.R. § 287.5(c)(6), arrested aliens subject to removal to ICE-approved detention facilities; and
- The power and authority to issue immigration detainers, 8 U.S.C. §§ 1226 and 1357, and 8 C.F.R. § 287.7, and I-213, Record of Deportable/Inadmissible Alien, for processing aliens.

- Participating LEA personnel must notify ICE of any immigration detainer issued under the authority conferred by the MOA as soon as possible, but no longer than approximately 24 hours.
- Participating LEA personnel are responsible for ensuring proper record checks have been completed.
- Participating LEA personnel must report all encounters with asserted or suspected claims of U.S. citizenship to ICE immediately, but generally within one hour of the claim.
- Administrative files (A-files) are Federal records, subject to the Federal Records Act and applicable Federal confidentiality statutes. It follows that the utilization and handling of the A-files must be consistent with applicable laws and DHS and ICE policy. ICE is

A 287(g) officer can draft a Notice to Appear (charging document in immigration court that starts deportation proceedings) but it must be signed and issued by ICE.

Power to transport people to ICE detention centers.

Power to issue detainers that request another law enforcement agency to hold and transfer someone to ICE. State laws may regulate how the jail will respond to detainers. Map of laws: <https://www.ilrc.org/stand-alone-map>

287(g) JEM officers can also issue an I-213, which is an internal form that ICE uses to document arrests and encounters – akin to an arrest report by police.

JEM officers must inform ICE of immigration detainers they issue under the agreement within 24 hours.

JEM officers must report all situations where a noncitizen claims to have U.S. citizenship to ICE, within 1 hour.

JEM officers can access A-files (DHS files on individual immigrants documenting their history with the agency) but must follow federal rules for handling them and ICE must oversee the security of the files.

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APPENDIX B

COMPLAINT PROCEDURE

The training, supervision, and performance of participating LEA personnel pursuant to the MOA, as well as the protections for U.S. citizens' and aliens' civil and constitutional rights, are to be monitored. Part of that monitoring will be accomplished through the complaint reporting and resolution procedures, which the parties to the MOA have agreed to follow.

If any participating LEA personnel are the subject of a complaint or allegation involving the violation of the terms of this MOA or a complaint or allegation of any sort that may result in that individual receiving professional discipline or becoming the subject of a criminal investigation or civil lawsuit, the LEA shall, to the extent allowed by State law, make timely notification to an ICE officer within 48 hours of the LEA receiving notice of the complaint or allegation, excluding weekends, of the existence and nature of the complaint or allegation. The results of any internal investigation or inquiry connected to the complaint or allegation and the resolution of the complaint shall also be reported to an ICE officer, as soon as practicable, but no later than 30 days from the date of the resolution. It is the responsibility of the ICE officer to ensure notification is made to the ICE Office of Professional Responsibility (OPR) at ICEOPRIntake@ice.dhs.gov.

The LEA will also handle complaints filed against LEA personnel who are not designated and certified pursuant to this MOA but are acting in immigration functions in violation of this MOA. Any such complaints regarding non-designated LEA personnel acting in immigration functions must be forwarded to an ICE officer within 48 hours of the LEA receiving notice of the complaint. It is the responsibility of the ICE officer to ensure notification is made to OPR.

287(g) Complaint Process posters will be displayed in processing areas of the LEA to ensure aliens encountered under the 287(g) Program are aware of the complaint process. Posters will be displayed in English and Spanish. If the alien understands a language other than English or Spanish or is unable to read, LEA personnel will read and/or translate the complaint process in a language the alien understands.

If a state or local officer is the subject of a complaint involving violations of the terms of the agreement, ICE should be given a timely notification (within 48 hours, excluding weekends).

There are no details about requirements of an investigation, processes, reporting, or next steps once a complaint is lodged. The results of an investigation into a complaint should be reported to an ICE officer no later than 30 days after resolution, and the ICE officer will forward the notification to ICE's Office of Professional Responsibility.

Complaints may be made about state or local officers who are NOT certified and authorized to perform immigration enforcement duties under the program, but who have done so anyway. The state or local law enforcement agency will process those complaints.

Complaints about these officers must be forwarded to an ICE officer within 48 hours. The ICE officer will notify ICE's Office of Professional Responsibility.

The participating state or local agency will display "287(g) Complaint Process" posters, in English and Spanish, in processing areas of the agency where noncitizens can be made aware of the process. The officers will translate the complaint process into other languages if needed. There's no mention of how a noncitizen is supposed to know about the existence of the process, or to request a translation or interpretation of the process.