

MEMORANDUM OF AGREEMENT

Warrant Service Officer Program

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 the 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 promote public safety by facilitating the custodial transfer of specific aliens in LEA jail/correctional facilities to ICE for removal purposes at the time of the alien's scheduled release from criminal custody. 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 most limited form of 287(g) agreements, Warrant Service Officer (WSO) allows a jail to hold someone pursuant to an ICE detainer and ICE administrative warrant and transfer that person to ICE custody.

The primary function of a WSO program is to ensure that immigrants get transferred to ICE rather than being released and allowed to go home. Under WSO, local jail officers will carry out the legal function of transferring a person in local custody to ICE custody based on an ICE detainer and administrative warrant. Then the officer may physically bring the person to other ICE facilities.

The terms of a 287(g) agreement specify what specific immigration enforcement activities the delegated officers can do.

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.

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

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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

The LEA is expected to pursue to completion all criminal charges that caused the alien to be taken into custody and over which it has jurisdiction. 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 have enforced laws and regulations pertinent to their law enforcement activities and their jurisdictions, and have been trained on maintaining the security of LEA facilities, and have enforced rules and regulations governing inmate accountability and conduct.

The statute allows any state or political subdivision of a state to enter into a 287(g) agreement. 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.

If a 287(g) agency or officer arrests someone on state criminal charges, they are supposed to complete the criminal case first, before transferring the person to immigration custody.

However, the ICE field office might decide to take someone with pending or open criminal charges into ICE custody on a case by case basis. In practice, ICE frequently arrests people during pending legal cases before state courts.

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

This section provides various details on how 287(g) officers will be appointed.

The head of the LEA decides which officers are designated for the 287(g) program. They must be US citizens and have at least two years of law enforcement experience. ICE will review officers to determine if they otherwise are approved to participate. ICE and the LEA may later expand the number of officers, subject to all the same requirements as before.

There is no minimum or maximum number of officers for a 287(g) agreement. Some agreements involve only one deputy. More officers dedicated to 287(g) means more immigration enforcement happening in the community.

C. TRAINING OF PERSONNEL

Before participating LEA personnel receive authorization to perform immigration officer functions under this MOA, they must successfully complete initial 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 and pass all required test(s). Upon receipt of the certification, the ICE Field Office Director (FOD)

E. COSTS AND EXPENDITURES

The LEA is responsible for personnel expenses, including, but not limited to, salaries and benefits, local transportation, and official issue material. ICE will provide instructors and training materials. The LEA is responsible for the salaries and benefits, including any overtime, of all of its personnel being trained or performing duties under this MOA and of those personnel performing the regular functions of the participating LEA personnel while they are on duty. The LEA will cover

Training for WSO officers is very limited. In 2019 it was a reportedly a [single day](#). Under the current administration, it has been reduced to [four hours](#).

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 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.

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 they 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 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 supervisory and administrative responsibilities are specified in Appendix A.

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.

The LEA will maintain a list of qualified interpreters or companies it contracts with to provide such interpreters. A qualified interpreter, which may include LEA personnel, means an interpreter who can interpret effectively, accurately, and impartially, using any specialized vocabulary. If an interpreter is used when a designated officer is performing functions under this MOA, the interpreter must be identified, by name, in records by annotating on the Warrant for Arrest of Alien or the Warrant of Removal/Deportation.

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. § 1257(a)(7) and (8), the LEA will be responsible and bear the costs of participating LEA

The MOA says that 287(g) officers must only do immigration enforcement activities as supervised or directed by ICE. In the WSO program, this means officers serving detainers and ICE warrants on people in local custody and arresting them on behalf of ICE. Depending on geography, they may transport these individuals to an ICE field office for further processing or to longer term ICE detention.

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.

If the LEA uses an interpreter during 287(g) functions, they must identify that person by putting their name on the ICE warrant.

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.

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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 Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin

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.

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.

VI. MODIFICATIONS TO THIS MOA

Modifications to this MOA must be proposed in writing and approved and signed by both parties. Modification to Appendix A shall be done in accordance with the procedures outlined in the SOP.

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

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, 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.

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VIII. EFFECTIVE DATE AND TERMINATION OF THIS MOA

This MOA becomes effective upon signature of both parties and will remain in effect until either party, upon 90-day written notice to the other party, provides notice of termination or suspension of the MOA. A termination or suspension notice by ICE shall be delivered personally or by certified or registered mail to the LEA and termination or suspension shall take effect 90-days after receipt of such notice, unless exigent circumstances involving public safety dictate otherwise.

APPENDIX A

STANDARD OPERATING PROCEDURES (SOP)

The purpose of this appendix is to establish standard, uniform procedures for the implementation and oversight of the program within the FOD area of responsibility. This appendix can be modified only in writing and by mutual acceptance of ICE and the LEA.

Pursuant to this MOA, the LEA has been delegated authorities as outlined below. This MOA is designed to facilitate the custodial transfer of designated aliens in LEA's jail/correctional facilities to ICE within 48 hours of alien's release from criminal custody.

Authorized Functions:

Participating LEA personnel are delegated only the following authorities listed below:

- 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;
 - 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,

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

The main function of WSO is to transfer people from local custody to ICE. Many agencies do this with an ICE detainer, without any WSO agreement, especially in states that have made ICE detainers mandatory.

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.

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

WSO only authorizes immigration enforcement activities within a local jail.

The transfer from local custody to ICE just means when the WSO officer "arrests" the person by serving the ICE warrant, when the person would otherwise be released. The person is then legally considered to be in immigration custody. But it does not necessarily mean taking the person anywhere at all.

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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 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 jail/correctional facility.

Additional Supervisory and Administrative Responsibilities:

The above immigration enforcement functions conducted by the 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 supervisory and administrative responsibilities for each entity include, but are not limited to:

If the jail also has a detention contract with ICE, then the WSO 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 WSO officer has taken the person to an ICE field office or other ICE detention center within 48 hours, then the person 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 WSO activities associated with removal warrants are the same as with administrative arrest warrants.

Participating agencies must also:

- Notify ICE immediately after serving a warrant of arrest or removal that would start the custodial transfer process from the agency to ICE.
- Report all situations where a noncitizen claims to have U.S. citizenship to ICE, within 1 hour.

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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, 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 established by ICE. 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 the 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 the 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.