



SEPTEMBER 2020

## WARRANT SERVICE OFFICER PROGRAM

A **DECEPTIVE** NEW MODEL FOR 287(g)

In 2019, Immigration and Customs Enforcement (ICE) announced a new program for co-opting local sheriffs into deporting immigrants called the “Warrant Service Officer Program” (WSO). Misleadingly, ICE has messaged this program as a way to circumvent sanctuary policies. However, this program is limited in its scope and in fact many sanctuary laws already fully prevent WSOs. ICE has always been quick to deceive the public if it will help the agency expand its enforcement reach, and this new program is no exception.

ICE's desperation to attack sanctuary policies and to try to re-create the old days of Secure Communities demonstrates the power of our resistance. This new program has all the same problems of entangling local agencies with immigration enforcement, plus the additional baggage of partnering with the fanatically cruel agency that ICE has shown itself to be.

### FAQS | ICE'S WSO PROGRAM

#### WHAT IS THE WARRANT SERVICE OFFICER (WSO) PROGRAM?

The easiest way to understand the WSO program is that it is 287(g)-lite. [It is created under the authority of the 287\(g\) statute and is functionally a 287\(g\) program.](#) It's just a lot more limited than the current 287(g) model. Under WSO, delegated officers get less training and are only authorized to have a single function, which is to execute ICE administrative warrants of arrest within the jail. Under this program, ICE believes that sheriffs can return to holding people for up to 48 hours—in the local jail, but technically in ICE custody under the WSO authority—before they are transferred to longer-term ICE detention. The WSO is a mini-287(g) agreement designed to re-create the days when sheriffs held people on detainers everywhere. [See a sample MOA for the WSO program.](#)

#### CAN A SHERIFF/JAIL IN A SANCTUARY JURISDICTION SIGN UP FOR ONE OF THESE WSO AGREEMENTS?

Maybe, that depends on the type of sanctuary policy that you have. In California, state law (known as SB54) prevents performing the functions of an immigration officer, pursuant to 287(g) or any other law or program; therefore no agency in California can join the WSO program. Likewise, the Attorney General of New Jersey has banned all 287(g) agreements in a binding directive, so no agencies in New Jersey can join without the AG's specific written permission. Vermont and Illinois state laws also prevent these kinds of agreements. Other states or localities may have legislation prohibiting 287(g), and those provisions should apply to the WSO program, because it is a version of 287(g).



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## IS THIS WSO PROGRAM LIKELY TO LEAD TO MORE COOPERATION BETWEEN LOCAL LAW ENFORCEMENT AND ICE?

Possibly yes. The WSO program is clearly designed to assuage the concerns of sheriffs who will not hold people on detainers because of legal concerns, but who are not otherwise opposed to helping ICE. The WSO program may give these sheriffs the impression that they have legal cover to start holding people extra time, without a big investment in the full 287(g) program. However, the program is voluntary, does not provide any reimbursement from ICE for the time or costs of detaining people extra days, and like detainers and 287(g) overall, it involves sheriffs directly in the deportation pipeline. For all the reasons that detainers and 287(g) deportation programs have been bad for our localities, WSO is exactly the same.

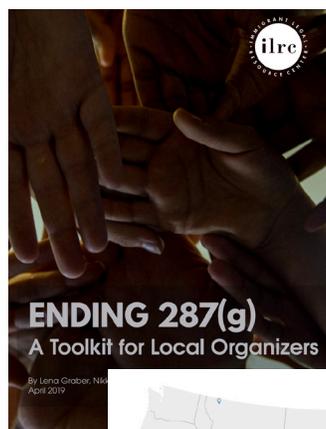
## IS THIS LEGAL?

It's hard to say yet. The 287(g) statute allows ICE a lot of leeway, but on the other hand, there may be other legal bases to challenge this program. We know that ICE frequently issues illegal detainers and warrants against U.S. citizens, and any locality that helps execute such detainers and warrants can certainly face legal jeopardy.

## HOW DO I KNOW IF MY SHERIFF HAS ENTERED THE WSO PROGRAM?

Check [www.ice.gov/287g](http://www.ice.gov/287g) to see if your county is listed; ICE periodically updates the list with all the new contracts. Meanwhile, keep your eyes open and make sure you are monitoring your local jail. Look out for any changes in local enforcement practices, ask law enforcement for copies of new and existing policies, and explore making requests through your state public records act law.

To stop 287(g) in your community, see the ILRC's resources & toolkits:  
[ilrc.org/287g](http://ilrc.org/287g)



**ENDING 287(g) NATIONWIDE**

The 287(g) program allows designated local law enforcement officers to enforce civil immigration laws. According to the Department of Homeland Security (DHS), the 287(g) program led to more than 7,000 deportations in 2018.

Since its inception, the 287(g) program has been criticized with reports of abuse, discrimination, and violation of constitutional rights. Research shows that local officers operating under 287(g) agreements are prone to engage in racial profiling by targeting people they suspect to be immigrants, overlooking violations between these agencies and the residents they are supposed to protect.

Despite the Trump administration's efforts to expand 287(g), we've seen the potential impact of local organizing: collect multiple proposed agreements and demand the termination of others. Because local courts, police departments, and other agencies have the power to terminate a 287(g) agreement at any time, and because we have found one for every local official, we can shift the narrative surrounding the program or otherwise bring pressure to bear on immigration enforcement.

All of the current agreements will expire on June 30, 2019. Make no mistake, ICE intends to renew all of the existing 287(g) agreements if they can. We have to organize to stop them.

In 287(g) jurisdictions, ending these contracts will save an estimated \$1.5 billion.

**THE TRUTH ABOUT 287(g)**

49 jurisdictions have joined since Donald Trump took office in 2017.

7 jurisdictions have ended 287(g) agreements since the Trump administration began.

1/3 of the 287(g) agreements nationally are located in Texas counties.

75 jurisdictions currently hold 287(g) agreements in 30 states across the country.

All of the 75 287(g) agreements are due to expire on June 30, 2019. This is a critical opportunity to prevent the continuation of 287(g).

**7,000 people** were deported in 2018 as a result of 287(g) contracts

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## EXPLAINER | WARRANT SERVICE OFFICER PROGRAM

The Warrant Service Officer (WSO) program is part of 287(g). Named after the statute it comes from, the 287(g) program allows local law enforcement to be delegated with immigration enforcement authority.

### 287(g) has various models:

#### TASK FORCE MODEL

BROADEST SCOPE

Local officers can enforce immigration laws on the streets, make immigration stops and arrests, issue detainers, and process people for deportation.

\*none currently exist

#### JAIL MODEL

MEDIUM SCOPE

Local officers engage in immigration enforcement only within the jail, investigating immigration history, issuing detainers and warrants, and transferring people to ICE.

\*75 currently exist

#### WSO MODEL

VERY LIMITED  
SCOPE

Local officers may arrest immigrants pursuant to ICE warrants in a local jail and detain them to transfer to longer-term ICE custody.

\*71 currently exist

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