IRW

From: IRW (USANM) IRW
Sent: Friday, May 29, 2026 10:48 AM
To: IRW
Cc: IRW
Subject: Lawsuit against Torrance County

You don't often get email from IRW Learn why this is important

Sheriff IRW

Thank you for taking my call. I spoke earlier this morning with Curry County Sheriff IRW as well the attorney representing either him or Curry County, IRW IRW can be reached at IRW I'm also copying IRW on this email.

IRW informed me that Curry County is in the process of securing counsel to represent them with respect to the lawsuit filed by Attorney General IRW It sounds like their tentative plan is to hire the same attorneys that represent Otero County assuming that their representation does not present a conflict of interest (or that such conflict could be waived). Those attorneys are IRW and IRW out of Albuquerque, and I do not have their contact information.

As I mentioned, it may be worth trying to remove the lawsuits filed against you in state court to federal court and joining our pending federal case as necessary parties to the contracts.

You now have my phone number and email. Let's please keep in touch as this progresses. Don't hesitate to reach out if I can be of any assistance. I very much appreciate your support of federal law enforcement.

IRW

IRW
F.A. United States Attorney
District of New Mexico
IRW

ACLU
New Mexico

April 3, 2026

Via email to:
Records Custodian
Torrance County
ipra@tcnm.us

Re: ***Request for Inspection of Public Records***

Dear Records Custodian:

This letter is a request for public records under the New Mexico Inspection of Public Records Act ("IPRA"). We ask to inspect the following public records that are in the custody or control of the records custodian of Torrance County.

Please note that pursuant to NMSA 1978 § 14-2-6, the definition of "public records" is as follows: "all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained."

The requested records are as follows:

1. The fully executed Warrant Service Officer Program Memorandum of Agreement between the Torrance County Sheriff's Office ("TCSO") and U.S. Immigration and Customs Enforcement ("ICE").

2. Any and all correspondence, from the time period of January 20, 2025 through the date of completion of this request regarding Torrance County entering or considering entering into a 287(g) agreement with ICE, including but not limited to emails and email attachments involving Torrance County and senders or recipients with the email domains "ice.dhs.gov" or "associates.ice.dhs.gov," including but not limited to communications sent by Torrance County employees, administrators, and county commissioners, including emails and email attachments to or from county employees who work exclusively for the TCSO.

Please advise if this request does not describe the records sought with sufficient specificity for you to form a reasonable response. If you do not maintain these public records, please forward this request to the designated custodian of the requested records, and notify us of that action, including information required by NMSA 1978, § 14-2-8 (E).

If the requested records include information for which Torrance County is claiming an exemption, please separate and retain the exempt records or redact such information from records that are otherwise non-exempt. For any records that Torrance County believes are exempt, please submit a log listing the withheld records and the exemption and/or reason that Torrance County is withholding the records. For records that are redacted, please explain the reason and/or exemption that is the basis for the redaction. If you deny any or all of this request, please cite each specific exemption you claim justifies the refusal to release the requested records and notify us of the appeal procedures available under the law.

In accordance with NMSA 1978, § 14-2-1 *et seq.*, we look forward to receiving a response to this request within 3 business days and the production of responsive records no later than 15 days from today's date. Electronic documents are preferred and may be sent to IRW If Torrance County only has the capacity to produce hard copies, please send them to the following address: ACLU of New Mexico, P.O. Box 566, Albuquerque, NM, 87103. Pursuant to IPRA, we agree to pay a reasonable fee for copying the public records. If the charges will exceed $50.00, please notify IRW in advance at IRW so that we may review such charges. We also request that you provide a receipt indicating the copying charges for responsive records.

Please do not hesitate to reach out if you have any questions or need any additional information. Thank you in advance for your assistance in this matter.

Sincerely,

/s/ IRW
IRW
Senior Staff Attorney
American Civil Liberties Union of New Mexico

IRW [redacted]

From: IRW [redacted]
Sent: Thursday, June 5, 2025 12:42 PM
To: IRW [redacted] Board of Directors; Managers Affiliate
Cc: Attorneys Affiliate
Subject: RE: New Mexico List of Sanctuary Counties

The issue with ICE detainers is that they do not provide legal authority for a county to detain someone who is otherwise eligible for release from custody. We provided this guidance following the court of appeals decision in the *Galarza* case (745 F.3d 634, 3rd Cir. 2014). Mr. Galarza filed a §1983 case objecting to his detention pursuant to an ICE detainer. The court noted that the detainer was not accompanied by a warrant or an affidavit of probable cause and was a request (not a mandate). Even if it had been a mandate the court further observed "Under the 10th amendment immigration officials may not order state and local officials to imprison suspected aliens subject to removal at the request of the federal government." 745 F.3d at 643. More recently, the court in *Davila v. N. Reg'l Joint Police Bd., 370 F. Supp. 3d 498, 547 (W.D. Pa. 2019)*, noted that detainers have been long characterized and treated by the courts and ICE itself as *requests* not mandatory orders. "As requests, these detainers do not arm the local law enforcement agencies with additional authority to detain an individual. They never have. A local law enforcement agency choosing to comply with an immigration detainer must still do so constitutionally and in a manner consistent with state and local law." Bottom line, counties are liable for the improper detention.

New Mexico is not in the 3rd circuit but several years ago San Juan County was the subject of a class action lawsuit arising from its alleged practice of detaining individuals pursuant to ICE detainers. My memory is that the county sought to join the federal government, but the feds vigorously (and successfully) opposed being brought into the case. The case was ultimately settled.

I know that counties have been concerned about the sanctuary list that was previously issued. NACo staff advised the Justice and Public Safety Committee that the page has been taken down and it is unclear whether it will ever be published again. NACo is also working on a fact sheet that we will distribute as soon as it is available.

I also know that many counties are being approached about executing 287(g) agreements that would presumably authorize local law enforcement and/or detention facilities to act as federal agents. I do not know whether the agreements counties are being asked to sign are field agreements, detention agreements, task force agreements or some other 287(g) agreement I am unaware of, so it is difficult to determine the level of authority/protection they would provide. We are still conducting research, but it is apparent that these are complex issues and counties should closely evaluate the pros and cons for entering into such agreements and should consult their county attorneys.

The NMCIA Board will be considering implications of county 287(g) agreements on coverage at its next meeting in Clovis. This is significant because although acting under federal authority will afford some liability protection from 4th amendment claims for detention (and it has been some time since we have been asked to review a 287(g) agreement), I do not believe that the federal government is proposing to provide any indemnification or defense to local law enforcement who act under their authority.

Finally, here is guidance issued by the NMDOJ for Law Enforcement Agencies Concerning Civil Immigration Enforcement Action: Guidance-for-LEA-and-Jail-Administrators.pdf that I believe you will find informative.

Looking forward to seeing you all in Clovis!

IRW [redacted]

IRW
Risk Management Director
Cell: IRW
IRW

NEW MEXICO COUNTIES

From: IRW
Sent: Monday, June 2, 2025 10:43 AM
To: IRW Board of Directors <board-of-directors@nmcounties.org>; Managers Affiliate <managers.affiliate@nmcounties.org>
Subject: Re: New Mexico List of Sanctuary Counties

Good morning, this has been a point of concern for my commissioners over the last few days to a week. Well, at least two of them.

As I recall, when I was the warden and ICE Detainers, and those who honored them, was all the rage, NMC directed that we were not to honor the 72 hour detainer as it would increase our liability for lawsuits. As it stands, we have 24 hours to release an inmate following a judge's order for release. If we were to honor the ICE detainer and hold them for 72 hours, would it not still be a legal liability?

We met them in the middle years ago and we contact ICE with releases. If they show up for the individual, they do. If not, the person is released based on a court order.

I do not see how we can get off of this list unless we are willing to honor the ICE detainers, and based on history, we are not allowed to hold them that long. Is there a fix for this?

IRW

IRW
Manager, Luna County
Deming New Mexico
(O) IRW
(C) IRW

LUNA COUNTY 1901

From: IRW
Sent: Monday, June 2, 2025 9:58 AM
To: Board of Directors <board-of-directors@nmcounties.org>; Managers Affiliate <managers.affiliate@nmcounties.org>
Subject: RE: New Mexico List of Sanctuary Counties

Good Morning County Managers,

It appears that the Sheriffs and Detention Administrators recently received information regarding participation in 287 (g) agreements. It is possible that if your county did not respond to this inquiry that may be the reason you are on the list. I wanted to provide this as additional background information should you choose to follow up through the link below.

Thank you,

IRW
Executive Director
IRW
NEW MEXICO COUNTIES



From: IRW IRW
Sent: Monday, June 2, 2025 9:00 AM
To: Board of Directors <board-of-directors@nmcounties.org>; Managers Affiliate <managers.affiliate@nmcounties.org>
Subject: New Mexico List of Sanctuary Counties

Dear NMC Board Members and County Managers,

After the recent release of the Department of Homeland Security (DHS) sanctuary community list, NMC received a number of calls from counties that feel they have been listed in error. DHS has a team that is working with jurisdictions that wish to be removed from the list. They can be contacted at sanctuaryjurisdictions@hq.dhs.gov. DHS has advised us that designation of a sanctuary jurisdiction is based on the evaluation of numerous factors, including self-identification as a sanctuary jurisdiction, noncompliance with Federal law enforcement in enforcing immigration laws, restrictions on information sharing, and legal protections for illegal aliens. Please let me know if I may be of assistance or if you have any questions.

Thank you,

IRW
Executive Director
IRW
NEW MEXICO COUNTIES



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Outlook

Guidance on Immigration Enforcement for Law Enforcement Leaders

From [redacted]
Date Wed 1/22/2025 10:56 AM

1 attachment (383 KB)
Guidance for LEA and Jail Administrators.pdf;

Some people who received this message don't often get email from [redacted] Learn why this is important

Hello,

I hope this message finds you well.

In light of recent federal policy changes regarding immigration enforcement, we want to ensure that leaders like you have the resources needed to navigate these changes effectively. Attached, you will find a guidance document from the New Mexico Department of Justice designed to help local law enforcement and jail administrators understand the application of federal law in the context of immigration enforcement.

If you have any questions or need additional assistance, please do not hesitate to reach out to our office. We are here to support you.

Thank you for the critical work you do in our communities.

Best,
[redacted]

NM Department of Justice Seal [redacted]
Chief of Staff
New Mexico Department of

Justice

[redacted]

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NMDOJ Guidance for Law Enforcement Agencies Concerning Civil Immigration Enforcement Action

NMDOJ GUIDANCE FOR LAW ENFORCEMENT AGENCIES CONCERNING CIVIL IMMIGRATION ENFORCEMENT ACTIONS

Public safety is a priority for the New Mexico Department of Justice and all law enforcement agencies throughout New Mexico. With limited resources, however, state and local law enforcement must work together to combat crime and keep our communities safe. On occasion, this pooling of resources and coordinated law enforcement response in fighting crime can involve federal law enforcement partners, with which New Mexico's law enforcement agencies maintain a positive and productive working relationship.

Peace officers in New Mexico have a duty "to investigate all violations of the criminal laws of the state which are called to the attention of any such officer or of which he is aware."[1] New Mexico law, however, imposes no duty on state and local law enforcement to participate in civil immigration enforcement actions initiated by the Federal Government. In light of anticipated increased civil enforcement, the NMDOJ issues this Guidance to describe the potential consequences and liabilities for state and local law enforcement participation in such operations. The Guidance is not legal advice. Law enforcement agencies should consult with their counsel about any questions related to the issues discussed in this Guidance.

Anti-Commandeering under the Tenth Amendment

State and local law enforcement agencies cooperate with and act in concert with federal law enforcement in investigating violations of state and federal criminal laws and are authorized to receive federal funding.[2] However, federal immigration authorities cannot force state or local law enforcement to assist in enforcing federal immigration law. Under the Tenth Amendment to the United States Constitution, the federal government cannot "compel the States to enact or administer a federal regulatory program,"[3] or force state employees to enforce federal law.[4] Federal immigration authorities frequently issue detainers directing state and local law enforcement to detain individuals suspected of immigration-related offenses. However, detainers are merely "request[s]" for cooperation and do not carry the force of law.[5]

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[1] NMSA 1978, § 29-1-1 (1979).
[2] *See* NMSA 1978, § 29-1-10.1 (1986).
[3] *New York v. United States*, 505 U.S. 144, 188 (1992).
[4] *Printz v. United States*, 521 U.S. 898, 935 (1997)
[5] 8 C.F.R. § 287.7(a); *see Galarza v. Szalczyk*, 745 F.3d 634, 643 (3d Cir. 2014) ("Even if there were any doubt about whether immigration detainers are requests and not mandatory orders to local law enforcement officials, settled constitutional law clearly establishes that they must be deemed requests.").

Cooperation Agreements

Federal law permits localities to voluntarily enter into agreements to perform the functions of an immigration officer in the investigation, apprehension, and detention of aliens in the United States. *See* 8 U.S.C. § 1357(g) (commonly referred to as § 287(g)). These cooperation agreements are not prohibited by state law.[6] Choosing to take on the functions of an immigration officer carries with it certain consequences and risks that should be considered before entering into § 287(g) agreements in New Mexico.

Practical Consequences when Functioning as Federal Immigration Authorities

A. Diversion of Resources

Although there are federal immigration-related crimes, simple unlawful presence in the country is a civil offense, not a crime.[7] Law enforcement agencies have limited resources. When a local agency enters into agreements with the federal government to enforce immigration laws, it must bear its own costs.[8] An agreement to enforce federal civil law reduces the resources that the agency can spend accomplishing its primary mission of enforcing state criminal laws and protecting its community from crime. Because officers detailed to assist on immigration enforcement are placed at the direction and supervision of the federal government,[9] there will be fewer officer hours devoted to regular policing duties.

B. Potential Loss of Witnesses

To investigate and prosecute crime, law enforcement must rely on and foster the cooperation and trust of crime victims and witnesses. When law enforcement cooperates with the federal government to enforce federal immigration law, victims and witnesses may be less likely to report crime or cooperate with law enforcement because of their immigration status or the immigration status of a relative or household member.[10] Although U and T Visas can provide

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[6] Apart from agreements to function as immigration officers, federal law addresses an exchange of information by providing that a state or local agency cannot prohibit or restrict a government agency or official from sharing immigration status information with the Immigration and Naturalization Service. 8 U.S.C. § 1373(a). Some courts have ruled that this provision violates the Tenth Amendment. *E.g.*, *City of Ocean v. Grewal*, 475 F. Supp. 3d 355, 377-78 (D.N.J. 2020).

[7] *Melendres v. Arpaio*, 695 F.3d 990, 1000 (9th Cir. 2012) ("The Supreme Court recently affirmed that, '[a]s a general rule, it is not a crime for a removable alien to remain present in the United States.'").

[8] *See id.* (providing that state and local law enforcement may perform certain functions "at the expense of the State or political subdivision and to the extent consistent with State and local law.").

[9] 8 U.S.C. § 1357(g)(3).

[10] *See* Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement, Celinda Lake et. al, University of Illinois at Chicago (available online at https://greatcities.uic.edu/wp-content/uploads/2014/05/Insecure_Communities_Report_FINAL.pdf) ("The findings presented here indicate that the greater involvement of police in immigration enforcement has significantly heightened the fears many

limited relief from deportation to victims of certain crimes, their scope is limited and the application process is demanding.

Civil Liability

Choosing to enforce federal law can expose local law enforcement departments and officers to civil liability. Civil claims could take various forms and be brought against individual officers as well as municipalities.[11] Civil claims against federal officers under 42 U.S.C. § 1983 are protected by qualified immunity.[12] Under the New Mexico Civil Rights Act, however, public bodies and their employees are prohibited from "enjoy[ing] the defense of qualified immunity for causing the deprivation of any rights, privileges or immunities secured by the bill of rights of the constitution of New Mexico."[13] Although § 1357(g)(8) provides that state and local officers act under color of Federal law for purposes of "immunity from suit," the relationship between this provision and the New Mexico Civil Rights Act is unclear because the New Mexico Legislature, not Congress, determines state and local liability under New Mexico law. The federal government's memoranda of agreement with local law enforcement generally provide that, although the Department of Justice might represent officers who are sued, that "[r]epresentation is granted at the discretion of DOJ; it is not an entitlement."[14]

Generally, "state and local law enforcement officers may not detain or arrest an individual solely based on known or suspected civil violations of federal immigration law."[15] This includes continued detention in a county jail based on a detainer after a defendant has been released on state charges.[16] In the absence of a § 287(g) agreement, arresting or holding individuals based only on a federal immigration detainer could give rise to civil liability.[17]

Latinos have of the police, contributing to their social isolation and exacerbating their mistrust of law enforcement authorities. This fear, isolation and mistrust, in turn, has led to a reduction in public safety, a serious negative consequence of the involvement of police in immigration enforcement.").

[11] *See C.F.C. v. Miami-Dade Cnty.*, 349 F. Supp. 3d 1236, 1259–60 (S.D. Fla. 2018) (finding that plaintiffs asserted a claim that a municipality had a policy or custom of permitting unlawful detention pursuant to detainer requests).

[12] *See City of Tahlequah, Okla. v. Bond*, 595 U.S. 9, 12 (2021) ("The doctrine of qualified immunity shields officers from civil liability so long as their conduct 'does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.'") (quoted authority omitted).

[13] NMSA 1978, § 41-4A-4 (2021).

[14] *See, e.g.* Memorandum of Agreement, 287(g) Jail Enforcement Model, Etowah County Sheriff's Office, p. 4 (available online at https://www.ice.gov/doclib/287gMOA/287gJEM_%20etowahCoAL_06-09-2020.pdf). *See also* 28 C.F.R. § 50.15 (outlining approval process).

[15] *Santos v. Frederick Cnty. Bd. of Comm'rs*, 725 F.3d 451, 464–65 (4th Cir. 2013).

[16] *See C.F.C.*, 349 F. Supp. 3d at 1245-46 (addressing immigration detainers issued to county jails and the jails' continued detention of defendants after they had paid their bail and concluding that the local jail had no interest in continued detention because the state cannot adjudicate deportability).

[17] *See id.* at 1259–60 ("Numerous courts have determined that when local law enforcement agencies hold someone pursuant to a detainer—and without separate probable cause that the person has committed a crime—such detention gives rise to a Fourth Amendment claim against the local law enforcement.").

IRW

From: IRW
Sent: Wednesday, October 15, 2025 10:55 AM
To: IRW
Cc: 287g WSO Program
Subject: Warrant Service Officer Program (WSO) Memorandum of Agreement (MOA)
Attachments: moaFillableWSO.pdf

Greetings Sir,

Thank you for your interest in the U.S. Immigration and Customs Enforcement (ICE) 287(g) Program. **The Warrant Service Officer Model (WSO).**

Under the Warrant Service Officer Program, ICE trains, certifies, and authorizes your officers to serve and execute administrative warrants on aliens currently in your agency's custody.

Below are the three 287g models, along with the facts and highlights hyperlink. The hyperlink will explain each model and their authority.

- 287(g) Facts and Highlights
- 287(g) Jail Enforcement Model Facts
- 287(g) Task Force Model Facts
- 287(g) Warrant Service Officer Facts

Please fill out the attached Warrant Service Officer Program (WSO) Memorandum of Agreement and return it to 287gwsoprogram@ice.dhs.gov

Further information and forms can be accessed on our public website at www.ice.gov/287g

Respectfully,

IRW
Senior Inspections and Compliance Specialist
Detailed to 287(g) Unit
Enforcement Operations Division
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
IRW
IRW

This communication is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this communication should be furnished to the media, either in written or verbal form.

IRW

From: ERO 287(g) <ERO287g@ice.dhs.gov>
Sent: Thursday, March 26, 2026 9:09 AM
To: IRW
Cc: ERO 287(g)
Subject: FW: WSO MOA - Torrance County Sheriff NM

Greetings,

We appreciate your interest in the ICE 287(g) program. We have examined and processed the Memorandum of Agreement (MOA) that you provided. The MOA will be sent to the ICE Assistant Director for his review and approval.

IRW
Information Management Analyst
Public Safety Partnership Division
ICE Enforcement and Removal Operations
IRW
500 12th Street Southwest
Washington, DC 20536

This communication is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this communication should be furnished to the media, either in written or verbal form.

From: IRW
Sent: Thursday, March 26, 2026 10:44 AM
To: ERO 287(g) <ERO287g@ice.dhs.gov>
Subject: WSO MOA - Torrance County Sheriff NM

Please see attached for prep and elevation, apparently sent via snail mail.

IRW
Acting Unit Chief
ICE Enforcement and Removal Operations
Public Safety Partnership Division
IRW

This communication is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this communication should be furnished to the media, either in written or verbal form.

IRW

From: IRW
Sent: Wednesday, May 14, 2025 9:20 AM
To: IRW
Cc: IRW IRW
Subject: Fw: Sheriff MOA-
Attachments: SHERIFF MOA-TO LOOK OVER_250506_134205.pdf

Hi, Sheriff-

I don't see any obvious problems with this, but if you are wanting to enter into the MOA, I do recommend that you and Undersheriff IRW familiarize yourselves with the procedures it outlines for dealing with ICE detainees, and to be sure you are willing to comply with them. It's just a little complex and puts obligations on us for personnel that might be helping out ICE.

IRW
Attorney
New Mexico Local Government Law, LLC
6121 Indian School Rd., NE, Suite 202
Albuquerque, NM 87110
IRW
IRW

From: IRW
Sent: Tuesday, May 6, 2025 2:56 PM
To: IRW
Subject: Sheriff MOA-

Good afternoon, IRW

Here is the MOA we spoke about earlier. I have the hard copy in my office for you. Thank you.

Respectfully,

IRW
Legal Assistant IPRA
NMCPS, NMCPO, NMCAPE
County Attorney's Office
IRW
IRW
PO Box 48/ 205 S Ninth St
Estancia, NM 87016
www.torrancecountynm.us

Administrative (civil) warrants are NOT Entered into NCIC —

IRW

From: NSA Executive Office <nsaexecutiveoffice@sheriffs.org>
Sent: Monday, February 24, 2025 4:44 PM
Subject: NCIC and Immigration Detainers

IF AN ICE WARRANT POPS UP, it is A FELONY.

You don't often get email from nsaexecutiveoffice@sheriffs.org. Learn why this is important

Good Afternoon, Sheriffs and Intel Commanders –

It has come to our attention that over the weekend, approximately 700,000 ICE administrative (civil) arrest warrants (I-205) were entered into NCIC. MCSA and NSA are reporting the following updates and guidance that may be valuable to get out to your agency. As a result, during everyday policing activities, your personnel may encounter someone who has an ICE administrative arrest warrant now entered into this system and your personnel have no state or federal criminal charges on the person. This is a reminder that Sheriff's Office personnel who are not 287(g) deputized cannot serve or arrest anyone on these warrants by themselves. Arrests on these warrants can only be made by federal agents/officers with immigration authority or a state/local officer who has been deputized.

Certainly, your personnel may arrest the individual for a criminal act, but they cannot arrest the individual on the ICE warrant alone. If your personnel have criminal charges on the person, they can arrest the person on those criminal charges, take the person to the county jail, and then notify ICE, who can then come to the jail and serve their administrative arrest warrant. If your deputies do not have criminal charges on the person whom there is an administrative arrest warrant in NCIC, your deputies should contact the ICE Law Enforcement Service Center at the number in the NCIC hit and request an ICE officer come to the scene to arrest the individual. If the ICE officer cannot arrive at the scene within a reasonable amount of time, your only real option is to collect as much information from the person as you can and release the person and ICE will have to try to find them through their fugitive operations. Deputies should not transport these people to jail unless there are criminal charges associated with the encounter. If they are arrested on state or local charges and transported to jail, the normal process of notifying ICE would occur – or if your facility is part of the 287g or Warrant Service Officer program, the warrant can be served upon booking. Should your personnel act on the warrant alone and transport them to a jail, there may be liability consequences and your Deputies and agency could open themselves up to litigation.

Per guidance from CJIS, there are (2) categories of NCIC Immigration Violator File (IVF) records entered by the LESC: Deported Felon and Absconder. The Deported Felon Category contains records of previously deported felons who have been convicted and deported for drug trafficking, firearms trafficking, or serious violent crimes. The Absconder Category contains records of individuals with an outstanding administrative warrant of removal from the United States who have unlawfully remained in the United States.

Since the inception of the NCIC IVF, the below caveats are returned on an IVF hit:

Deported Felon

WARNING REGARDING FOLLOWING RECORD - SUBJECT OF NIC/N307770847 IS A PREVIOUSLY DEPORTED FELON. CONTACT LESC AT (877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION AND AVAILABILITY OF BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.

Absconder

WARNING REGARDING FOLLOWING RECORD - SUBJECT OF NIC/N307770847 HAS AN OUTSTANDING ADMINISTRATIVE WARRANT OF REMOVAL FROM THE UNITED STATES. CONTACT LESC AT (877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION AND AVAILABILITY OF BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.

We also realize some of our members are barred from any participation due to state or local enforcement prohibitions.

As you are aware, the guidance and actions taken by the federal government are extremely fluid at this time. We will continue to push out updates and monitor any changes, as necessary.

Should you have any questions, please let us know.

IRW
Executive Director and CEO
National Sheriffs' Association

IRW

FUTURE CONFERENCES

Annual Education & Technology Expo

June 23-26, 2025 in Ft. Lauderdale, FL

The National Sheriffs' Association (NSA) reserves the right to approve or disapprove of any written or oral statements/positions emanating from a meeting in which an NSA representative is a participant or attendee. Moreover, NSA's participation or attendance at a meeting shall not imply its endorsement of the parties at, or approval of statements/positions emanating from the meeting. Accordingly, the parties at a meeting are not permitted in any way to attribute, or make references leading others to infer NSA's approval of the parties at, or statements/positions emanating from, a meeting without first obtaining the written or oral authorization of NSA leadership. Finally, this prior approval directive shall also apply to the use of NSA's trademarked logo.

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IRW

From: ERO 287(g) <ERO287g@ice.dhs.gov>
Sent: Friday, April 24, 2026 12:45 PM
Subject: CLARIFICATION: Prohibition on unilateral release of PII and other ICE data

Greetings 287(g) partners,

We'd like to provide clarification on the three items below, based on responses to our recent email.

- Correct FOIA email address for 287(g) information requests
- Alert your Field Program Manager to any information request
- Categories regarding documents/information release

➢ You should email ERO-FOIA@ice.dhs.gov (*not* ICE FOIA) when you need guidance about any request for 287(g)-related information from media, individuals, or organizations. Even if you do not need guidance, you must contact the ERO FOIA team prior to any release of federal records or jointly owned records (explained below), as required by law, the Memorandums of Agreement, and any applicable Service Agreements.

➢ If you receive a 287(g)-related information request, contact your local ICE ERO Field Program Manager (FPM), who can help coordinate with the ICE ERO Field Office for assistance. Reach out to ERO287g@ice.dhs.gov if you are not sure who your agency's FPM is.

➢ The ERO FOIA team has identified three broad categories of records or information for which our Law Enforcement Agency (LEA) partners might receive requests:

(1) Federal records, such as any training materials that ICE provided, detention records for ICE detainees, etc.
   - These requests must be referred to ICE ERO by the LEA partner, or the requesters need to submit the request for those records to ICE through the normal Freedom of Information Act process.

(2) Jointly owned records, such as contracts, agreements, invoices, emails, or any other records going back and forth between the LEA partner and ICE along with any internal local law enforcement documents that contain ICE/ERO information.
   - These need to be compiled by the LEA partner, processed and redacted in accordance with state statutes, and then must be sent to ERO FOIA for consultation prior to release.
   - The 287(g) MOA states "Nothing herein limits LEA's compliance with state public records laws regarding those records that are solely state records and not ICE records." However, once any record contains ICE, ERO, or alien information or data, it is **no longer** a "solely state record"; it becomes a joint record and is subject to federal statutes under FOIA and 8 C.F.R. § 236.6.

(3) Records containing only general statistics, such as total number detained, or only local information, such as salary distributions and number of credentialed officers.
   - These requests can be handled solely by the LEA partner.

If you have any questions about this, don't hesitate to reach out.

Sincerely,

ICE 287(g) Team

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