

BASIC ORDERING AGREEMENTS (BOAS)

What You Need to Know

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An immigration detainer is a form in which Immigration and Customs Enforcement (ICE) requests that local law enforcement hold someone for an additional 48 additional hours beyond the time the local enforcement agency is authorized to hold the person so that ICE has time to come and pick them up. Several courts have found that acting on these detainers violates the Fourth Amendment of the U.S. Constitution. Sheriff Gualtieri's email was obtained by the SPLC in a public records request and is available in our toolkit.

Sheriff Gualtieri worked with ICE to come up with what they believed would be a constitutional workaround: Basic Ordering Agreements.

BOAs are agreements between ICE and local sheriffs in which they hold and turn over to ICE, for up to 48 hours of detention. Most immigrants are held for two days, making the total payment per day just \$25. Copies of all BOAs signed to date between ICE and Florida counties are available in our toolkit.

The Florida Sheriffs Association stated that Basic Ordering Agreements are an "existing procurement tool for acquiring a substantial, but presently unknown, quantity of supplies or services" that allows both parties to negotiate "pricing, issuing, and delivering" for all future orders.

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The BOA itself is not a contract. It is an understanding of how ICE and the counties will do business. Instead, each individual "order" from ICE asking the county to unlawfully re-arrest a specific person is a contract. We have provided a sample of this "Order" from ICE asking the county to unlawfully re-arrest a specific person is a contract.

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B, and ICE intends to expand this pilot program even further. The fact that there is now a BOA in Louisiana shows that

B On June 20, 2018, the Hillsborough County Sheriff's Office stated, in response to a public records request from SPLC, that the county "has not executed a BOA" with ICE. This was a result of the activism of local advocates.

On December 3, 2018, The Southern Poverty Law Center and the ACLU sued Sheriff Ramsay of Monroe County for unlawfully detaining a U.S. citizen pursuant to its BOA with ICE. **B**