

Memorandum



Date: June 20, 2013

To: Honorable Sally A. Heyman
Commissioner, District 4

From: Carlos A. Gimenez 
Mayor

Subject: United States Immigration and Customs Enforcement Holds

The following information is provided in response to the May 14, 2013 Finance Committee directive requesting that Miami-Dade Corrections and Rehabilitation Department (MDCR) provide additional information regarding the funding gap resulting from the United States Immigration and Customs Enforcement's 48-hour immigration hold placed on arrested individuals.

During the 2012 calendar year, monthly invoices were submitted to Immigration and Customs Enforcement (ICE) reflecting costs associated with housing inmates whose local charges had been satisfied and continued to be held pending ICE taking custody. The Department billed ICE a total of \$347,853 for 1,683 inmates who accumulated 4,221 days in our custody at the federal rate of \$82.41. In 2006, MDCR worked with the U.S. Marshal's Service to establish a per diem rate. The rate agreed to at that time was \$82.41, and is applied for billing purposes for ICE inmates. This rate is currently being renegotiated with the U.S. Marshals to be in alignment with the Department's daily inmate cost of \$148. If ICE were billed at the daily rate of \$148, the cost for housing these inmates would have been \$624,708. Although MDCR has continued to bill ICE over the years, no reimbursement has been received.

Please be aware that the MDCR has recouped some costs associated with immigration holds. For several years, the Department has applied for and received funding from the State Criminal Alien Assistance Program, which is administered by the Bureau of Justice Assistance in conjunction with the Bureau of Immigration and Customs Enforcement and Citizenship and Immigration Services, Department of Homeland Security. The State Criminal Alien Assistance Program provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens.

The criteria for reimbursement eligibility stipulates that *inmates must have been convicted of a felony or second misdemeanor for violations of state or local law, and housed in the applicant's state or local correctional facility for four or more consecutive days during the reporting period. Once a person meets these criteria, all pretrial and post-conviction time served from July 1, 2010 through June 30, 2011 may be included in the FY 2012 application.* The State Criminal Alien Assistance Program awards to Miami-Dade County for the last five fiscal years are as follows:

FY 2008	\$106,704
FY 2009	\$ 83,150
FY 2010	\$141,433
FY 2011	\$121,690
FY 2012	\$ 59,120

Recently, it has come to our attention that ICE may no longer mandate local jurisdictions to honor these holds. As such, a legal opinion has been requested from the Office of the County Attorney to determine Miami-Dade County's obligation regarding these holds. Please be assured that my office is working with the Miami-Dade Corrections and Rehabilitation Department to determine any possible policy and funding implications regarding these immigration holds.

Should you have any questions, or need further information, please feel free to contact Director Timothy P. Ryan, at telephone number 786-263-6010.

c: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners
Robert A. Cuevas, County Attorney
Genaro "Chip" Iglesias, Deputy Mayor
Timothy P. Ryan, Director, Miami-Dade Corrections and Rehabilitation Department
Christopher Agrippa, Clerk of the Board