



2018-12

NATIONAL SHERIFFS' ASSOCIATION (NSA) SUPPORTS THE ENFORCEMENT PARTNERSHIP KNOWN AS BASIC ORDERING AGREEMENTS (BOA) BETWEEN DHS (ICE), MAJOR COUNTY SHERIFFS' OF AMERICA (MCSA) AND NSA THAT AIM TO PREVENT THE RELEASE OF CRIMINAL ALIENS BACK INTO THE COMMUNITY.

WHEREAS, NSA, MCSA, and ICE places a high priority on enhancing public safety through the arrest and removal of criminal aliens from the United States.

WHEREAS, when an alien is arrested on a local criminal charge, all too often, they are subsequently released before ICE has the opportunity to pick them up from a local jail.

WHEREAS, ICE's valued state and local law enforcement partners are being challenged in court for facilitating the secure and orderly custodial transfer of criminal aliens to ICE.

WHEREAS, recognizing these challenges, the National Sheriffs' Association (NSA) and the Major County Sheriffs of America (MCSA) worked with ICE to develop a new process to clarify that aliens held by these jurisdictions are held under the color of federal authority, thereby affording local law enforcement liability protection from potential litigation as a result of faithfully executing their public safety duties.

WHEREAS, a BOA is an existing procurement tool for acquiring a substantial, but presently unknown, quantity of supplies or services. BOA is not a contract, but rather is a set of terms negotiated between an agency and a service provider that contain a description of services to be provided, terms applicable to a future order between the parties, and a method for pricing, issuing, and delivering on future orders.

WHEREAS, the immigration detainer issue has been difficult and challenging. Under this new process, sheriffs holding illegal criminal aliens in their jails and prisons are afforded liability protection from potential litigation when faithfully executing public safety duties.

WHEREAS, America's more than 3,000 sheriffs across the nation are grateful to the administration, and the Department of Homeland Security to advance and implement this commonsense solution

THEREFORE, BE IT RESOLVED, NSA supports gradually expanding implementation with willing law enforcement partners in the future.

Approved by the Board of Directors of the National Sheriffs' Association on June 18, 2018, at the Annual Conference of the National Sheriffs' Association, New Orleans, Louisiana. This resolution to remain in effect until June 24, 2022, in accordance with Article XIII, Section 6 of the Constitution and Bylaws of the National Sheriffs' Association.