

Keri O'Brien

From: Valerie Hines Grohol <vhines57@hotmail.com>
Sent: Tuesday, July 8, 2025 2:34 PM
To: District II; District III; District IV; District V; District VI; Mayor E-Mail; Kendal Harden; District I; Keri O'Brien
Subject: [EXTERNAL] Please vote to postpone 287g

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Ms. O'Brien, please be sure this email is added to the record.

Our community needs you to BE BRAVE and stand tall against the intimidation and for the safety of our community.

POSTPONE #1 - there is a lot of legal information and there is no rush to jump back in.

YES to #2 and #3 - these are no-brainers.

Entering into the 287(g) will increase the fear and reduce the community's cooperation and support of KWPD. We support them as our friends and neighbors now. Entering into this agreement will erode the trust we have in them to protect and serve US. It will also make us liable for all the lawsuits that are sure to come. **Please do not put our community, or our police force in this position.** Please be on the right side of history and vote to Postpone.

BE BRAVE!

As a long time resident it's appalling to see our local PD being used as pawns in an unfair, unjustified and unwarranted detention of those that are law abiding, tax paying, hard working members of our ONE HUMAN FAMILY.

Do not be bullied by the FL AG and Governor. Stand with South Miami and DO THE RIGHT THING!

Concerned citizen,
Valerie H Grohol

Keri O'Brien

From: Ray Warren <rwarrenusa@gmail.com>
Sent: Tuesday, July 8, 2025 2:09 PM
To: Keri O'Brien
Cc: Mayor E-Mail; District I; District II; District III; District IV; District V; District VI
Subject: [EXTERNAL] Please do NOT enter into a 287(g) "voluntary agreement" tonight.

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[Note to the City Clerk. Please include this message in the official record of public comment on agenda item # 1 for tonight's (July 8th) meeting.]

“This work was strictly voluntary, but any animal who absented himself from it would have his rations reduced by half.”

— George Orwell, [Animal Farm](#)

Dear Madam Mayor and City Commissioners

I am a Key West citizen and full time resident for some years now. I also hope and expect to live out the remainder of my earthly existence here in Key West. Key West is my home.

As a concerned citizen, I have taken the time to read the relevant materials and can say without a doubt (as a retired attorney and the former equivalent of a Florida Circuit Court judge in another state) that:

- a) There is no requirement in federal law for a city in Florida (or anywhere in the country) to sign a Section 287(g) agreement with the federal government (allowing the federal government to utilize local law enfranchisement personnel for federal immigration enforcement activities),
- b) There is no requirement in Florida law municipalities sign such an agreement either.

[By way of full disclosure, I am not currently licensed as an attorney in the state of Florida and do not claim to speak as a Florida licensed attorney. I write as a person with a law degree, a history of actively practicing law in state and federal courts, and as a person capable of reading statutes, legal filings and legislative history and reaching an educated conclusion as to legal matters.]

As to any federal requirement for local governments in general (and municipalities in particular) to enter into such agreements, the words of 8 U.S.C. 1357(g)(9 - 10) are clear and unambiguous:

(9) Nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General under this subsection. [Emphasis added.]

[Note that the “Attorney General” referenced in the statute is the United States Attorney General and that the functions of Homeland Security have since been assumed by the Department of

Homeland Security (instead of the Department of Justice}. Therefore, 287(g) agreements are now entered into with DHS.]

In addition to making it unequivocally clear that no local government is required to enter into a 287(g) agreement, the federal code also makes it clear that the local government can provide information and assistance to the Department of Homeland Security (including Immigration and Customs Enforcement – known as ICE) without the need to enter into such an agreement:

(10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State—

(A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States; or

(B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.

There is zero evidence that Chief Brandenburg, the Key West Police Department, or any other employee or official of the City of Key West has refused to assist or provide information to ICE. Furthermore, there is no demand from the federal government that the city must enter into a 287(g) agreement - because under federal law there is no requirement that local governments do so. This is also evidenced by ICE's own website, which strongly encourages, but in no way claims that there is a requirement for, localities to enter into 287(g) agreements:

[https://www.ice.gov/287g#:~:text=The%20287\(g\)%20Program%20allows,ICE%20oversight%20during%20routine%20duties](https://www.ice.gov/287g#:~:text=The%20287(g)%20Program%20allows,ICE%20oversight%20during%20routine%20duties) .

Also, of note, the proposed 287(g) agreement itself allows either party to terminate the agreement. The city would not be allowed to terminate the agreement at will if being subject to one was a requirement under federal law.

Since there is clearly no federal legal requirement that Key West enter into a 287(g) agreement, the next question is whether or not there is a state law requirement. The evidence is clear and overwhelming that there is not, despite the political posturing by the governor and the state attorney general.

In his somewhat incoherent letter dated July 2, 2025 to the city commissioners, the recently appointed (by Governor DeSantis) Florida Attorney General claims that the city has violated Florida Statutes Section 908.103. But, in fact, the city has not done so.

Quoting the attorney general:

Section 908.103, Florida Statutes, prohibits law enforcement and local government entities from adopting or having in effect any sanctuary policy. "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or allowed by a state or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C.1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency

from participating in a federal immigration operation with a federal immigration agency as permitted by federal and state law (SS 908.102(6), 908.102(6)(h), Fla. Stat.). Additionally, section 908.104(1), Florida Statutes, requires state and local jurisdictions to "use best efforts to support the enforcement of federal immigration law."

Lots of words, but easy to break down and respond:

1) As stated above, 8 U.S.C. 1357(g)(9 – 10) affirmatively states that the mere decision not to proactively enter into a 287(g) agreement **does not** constitute a violation of 8 U.S.C.1373. It is hard to fathom what part of **“nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General under this subsection”** the Florida Attorney General cannot understand. Congress has authoritatively determined that entering into such agreements is voluntary and that the failure to do so does not indicate a violation of 8 U.S.C.1373 (which prohibits local laws impeding the sharing of requested immigration information with federal authorities.)

2) Nor does the state law requirement that municipalities "use best efforts to support the enforcement of federal immigration law" mean that a city has to enter into a 287(g) agreement. The governor tried to make that so, but the Florida legislature, which has final authority over statutory enactments, **SPECIFICALLY** declined to create such a requirement.

- In 2022 the legislature did specifically require “each law enforcement agency **operating a county detention facility**” to enter into 287(g) agreements. But everyone agrees that the City of Key West Police Department is **not** such an agency. (Though Sheriff Rick Ramsey and the Monroe County Sheriff’s office are.)
- At the same time the legislature amended the law to make it clear that a locality is a sanctuary city only if it prohibits entry into 287(g) agreements when it is “an agency operating a county detention facility”. [Florida Statutes §908.11. See the excellent “Complaint for Declaratory Relief” filed by the very competent (and duly Florida licensed) attorneys for the city of South Miami.]

3) In January of this year, Governor DeSantis called a special session of the legislature to enact changes to the 2022 law. He wanted to require each state and county law enforcement agency and any other law enforcement agency with more than 25 sworn law enforcement officers to participate in the 287(g) program. Legislation was introduced as Florida Senate Bill 14-A (2025) and Florida House Bill 11-A (2025). They would certainly have included the Key West police department in the state’s 287(g) mandate, but the proposals were not adopted. Instead the state House and Senate adjourned the special session called by the governor, convened their own special session, and wrote different legislation. The legislature specifically **did not** adopt the language broadening the agencies required to enter into 287(g) agreements to cover cities like Key West.

4) Nearly universal rules of statutory construction in the United states provided that:

- When a specific thing is named, it is presumed that the legislature intended to include only the specific thing and not very similar other things. ("*Expressio unius est exclusio alterius*"). There would be no need to define which local agencies **must** enter into 287(g) agreements (those operating a county detention facility) if the legislature intended for ALL local law enforcement agencies to be required to enter into such agreements.
- When the legislature has before it legislation to do a specific thing and chooses not to adopt that legislation (broadening the class of local agencies required to enter into 287(g) agreements to include "*any other law enforcement agency with more than 25 sworn law enforcement officers*") then it is presumed that the legislature rejected the idea.

5) Therefore, since the legislature considered, but did not enact, legislation requiring Key West to sign a 287(g) agreement, neither the governor nor the state attorney general can override the will of the legislature and enact such a requirement on their own.

Article IV, § 7 of the Florida Constitution allows the governor to suspend "any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer" for a variety of reasons. But the state constitution only allows the governor to suspend municipal officials who are indicted for a crime. (Florida Constitution, Article IV, § 7 (c).

[(c) By order of the governor any elected municipal officer indicted for crime may be suspended from office until acquitted and the office filled by appointment for the period of suspension, not to extend beyond the term, unless these powers are vested elsewhere by law or the municipal charter.]

The city of South Miami has filed a very able and cogent civil action that further describes the constitutional limitations on the governor's power and I commend it to you. Paragraph 136 and beyond in the complaint is instructive in that regard.

So, to sum it up:

- Entering into a 287(g) agreement is voluntary under federal law and there is no federal requirement for local jurisdictions to enter into one.
- The Florida legislature has required certain local agencies (those operating county detention facilities) to enter into those agreements. But that provision does not apply to the city of Key West. This very year the Florida legislature considered, but DID NOT ENACT legislation that would have required the city of Key West to enter into such an agreement.
- The Florida constitution gives the governor only limited power to suspend municipal officials (pending judicial resolution when one has been indicted for a crime.)
- While a narrow plurality of Americans voted for the current United States president, they apparently did not vote for current ICE enforcement policies as evidenced by the current state of disapproval for such policies evidenced by every reputable national poll.

- If the nation as a whole, where a plurality (not a majority) voted for the president, now disapproves of the administration's current immigration policies, so much the more so in Key West where a clear majority of voters did not vote for the president.
- The Key West City Commission should represent the citizens of KEY WEST and NOT enter into a "voluntary" 287(g) agreement with ICE.
- While the state attorney general is a competent attorney (as are potential contract attorneys who may be engaged by the city and the interim city attorney) it is clear that there is ample legal support for not entering into a 287(g) agreement. The Florida licensed attorneys representing the city of South Miami are also excellent attorneys, as is Commissioner Kaufman. They do not agree with the AG's legal conclusions. The courts should be the venue to sort out who is correct. Indeed, if the elected city commissioners choose to listen to (disputed) legal advice, rather than use their own judgment, perhaps all but Commissioner Kaufman should recuse themselves since he alone has a law license.
- At the very least any motion to enter into a 287(g) agreement should be postponed until all six commissioners and the mayor can be present personally. The current special meeting was called by the mayor without any attempt to determine commissioner availability. Thus, Commissioners Haskell and Kaufman (two of the members most active in this matter) cannot be personally present. This is unacceptable.

Sincerely,

Raymond A. (Ray) Warren

Key West, resident, City Commission District 1

Keri O'Brien

From: Julie <julesb304@gmail.com>
Sent: Tuesday, July 8, 2025 12:57 PM
To: District II; District III; District IV; District V; District VI; Mayor E-Mail; Kendal Harden; District I; Keri O'Brien
Subject: [EXTERNAL] Please Vote to POSTPONE re-entering the 287(g)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. O'Brien, please be sure this email is added to the record.

Greetings Mayor and Commissioners,

While I wear many hats in this community, I am speaking only for myself in this email.

Short version:

Our community needs you to BE BRAVE and stand tall against the intimidation and for the safety of our community.

POSTPONE #1 - there is a lot of legal information and there is no rush to jump back in.

YES to #2 and #3 - these are no-brainers.

Entering into the 287(g) will increase the fear and reduce the community's cooperation and support of KWPD. We support them as our friends and neighbors now. Entering into this agreement will erode the trust we have in them to protect and serve US. It will also make us liable for all the lawsuits that are sure to come. **Please do not put our community, or our police force in this position.**

Please be on the right side of history and vote to Postpone.

BE BRAVE!

Longer version:

Many of you made the residents of this island very proud when you stood up with integrity and rendered void the 287(g) agreement last week. We knew the State would attempt to intimidate you (and us) so that came as no surprise. Key West is a tight-knit community with immigrants woven deeply into our fabric. **I urge you to do what is right and stand with your community.**

I was raised to be an active member of my community, to pay attention, to be respectful of the law, and to contribute and support my neighbors. My mother is a shining example to me as she continues to work the voter polls, work with and fight for her community, inform herself and her neighbors about upcoming elections, and continue as an active member of her local Civitan group. As you can imagine, she was excited when I told her about signing up for MCSO's Citizens Police Academy just a few months ago. We talked extensively about the course, what I learned and how **my respect for the work they do, and the friendships I have forged with the officers, deepened as a result of the course.** Contrary to Commissioner Carey's condescending and false assertion that only conservatives respect law enforcement, many of us do respect law enforcement, which is why participation in this agreement is so

concerning. I've spoken to several community members who gained respect for the law when they moved here because they are our friends and neighbors and they actively support the community. Not every community is so fortunate to have the officers we have. If we are in this agreement then it becomes very difficult to trust them to protect and serve. We will see a crime (which we thankfully have very little of) and first **ask the victim "are you a citizen?" before deciding who to call for assistance.** Our police force should be protecting our community, not doing the job of federal agents. **This makes our community less safe, which is wrong and is contrary to the work they are hired, trained, and paid with our tax dollars to do.**

None of our residents should be living with the fear they currently have. **Our police should also not be put in the position to feed their own friends, neighbors and community to ICE. It's not fair to them. None of us will feel safe.**

If we do not stand against this now, then when do we? Where do they stop? **This administration is not going after criminals,** they are going after numbers and media splashes. The FL AG's letter pointed out the very cooperation he then says doesn't exist without this agreement. They will NOT stand by us when the lawsuits begin.

We are not a high crime area and we do not need ICE here terrorizing our people. It is shameful and disgusting that they are taking people who have their paperwork and holding them for weeks. **Nobody wants criminals here. Nobody wants people who do not respect our laws and our communities.** The people currently being terrorized in this community, in your community, are not those people. They are active, working, many with several jobs, supporting their families and their neighbors. They ARE our community.

Are you aware that **the federal government is already distancing itself** from the horrible concentration camp they have built in the Everglades? They know the lawsuits are sure to follow and **if you enter this one-sided agreement with ICE then you are opening us up to a myriad of lawsuits.**

Commissioner Lee, you said that you voted with your heart, but I urge you to also look at the legal ramifications this City will face by entering into this agreement. We are not protected and we are fully liable! Please do vote with your heart, but consider that this is also the most logical vote.

You are elected to represent us. **We are begging you to BE BRAVE and stand strong for the community that elected you.** This is *not* just a small subset of the community asking you to stand with us, it is the overwhelming majority.

I'm sure many of you know people who have been living in Key West for many years and have been working to get their immigration status. Have you asked them if they are afraid? Even permanent residents are now being threatened by this administration. Where does it end? We must take a stand and be on the right side of history.

We have to stand up for each other. We cannot back down.

Please **BE BRAVE** and vote to **postpone** re-entering the 287(g). We absolutely should join the lawsuit with South Miami.

Our citizens, your children and your grandchildren, depend on your strength and your integrity to lead the way. Please don't let them, and us, down.

Tonight is sure to be a packed house. I will remind you that the number of people who are afraid to be there is ten-fold. THIS IS OUR COMMUNITY! Please continue to support us.

Thank you for your dedication, and your service to this amazing community.

BE BRAVE

Thank you again!

Julie Brown

22-year resident, home-owner and active community advocate

305-896-6360

Keri O'Brien

From: Dakin Weekley <dakinweekley@gmail.com>
Sent: Tuesday, July 8, 2025 9:14 AM
Subject: [EXTERNAL] Meeting 7/8

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Madam mayor and commissioners,

I again want to thank you all for taking steps to protect and defend our community and businesses at the June 30th meeting. Many of us have been directly affected by the abductions of hard working colleagues and community members. We know the families that have been terrorized. While some of the folks that have been deported may have criminal backgrounds, most do not and a lot of them have papers to be here legally, but are picked up nonetheless.

I am writing to urge you to postpone the resolution to re-enter into the "voluntary" 287 (g) "agreement" and to vote yes on the two resolutions sponsored by Commissioner Kaufman.

This resolution to sign the state mandated dictate with ICE is hasty and should be postponed. The Attorney General is currently in court defending his interpretation of the law and how it applies to municipalities and our city should take no action until the outcome of that lawsuit is clear. To do so is to cede crucial legal ground to a state that routinely attacks and violates the principle of home rule. Furthermore, we should seek a declaratory judgment and perhaps investigate joining the South Miami lawsuit or filing an amicus brief.

I would also urge the city to pass the resolution in support of continued TPS status for the Haitian community. The situation in Haiti has not improved to a stable condition and to arbitrarily end TPS would be to send people unnecessarily into harm's way. Below I will link to several articles about the situation in Haiti.

Thank you for your time and consideration,

Dakin Weekley
1205 Florida St.

<https://www.miamiherald.com/news/nation-world/world/americas/haiti/article310137005.html>

<https://www.washingtonpost.com/world/2025/07/06/haiti-vigilante-self-defense-gangs/>

<https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html>

<https://www.npr.org/2025/07/03/nx-s1-5455540/haiti-gangs-capital-port-au-prince-violence>

<https://intpolicydigest.org/haiti-in-crisis-as-gang-violence-paralyzes-the-capital/>

Keri O'Brien

From: Ashley Sybesma <ashley@thesmithlawfirm.com>
Sent: Monday, July 7, 2025 9:33 AM
To: District I; District II; District III; District IV; District V; District VI
Cc: Mayor E-Mail; PIO EMAIL; Kendal Harden; City Clerk External E-Mail
Subject: [EXTERNAL] Public Commentary for July 8, 2025 Special Meeting - Request to Table 287(g) Resolution Pending Legal Clarification

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Please add the following to the record for the July 8, 2025 Special Meeting

Dear Mayor Henriquez and Commissioners,

Thank you for the opportunity to share my comments regarding the proposed 287(g) resolution.

I write today to respectfully urge you *not* to move forward with the resolution at this time. Instead, I encourage the Commission to **table the matter until the City can obtain legal clarity** on its obligations under Chapter 908 of the Florida Statutes.

On June 30, this Commission voted to void a 287(g) agreement that had been improperly executed without the legal authority required under our City Charter. That vote was not a rejection of federal immigration enforcement—it was a vote to correct a procedural defect. Until now, the City has maintained a strong legal position: it was addressing an internal process issue and preparing to seek judicial guidance on whether Florida law actually requires entry into such an agreement.

However, if the resolution before you is either passed or voted down tonight, it significantly increases the risk that the Governor and Attorney General will argue that the City is "prohibiting" participation in the 287(g) program—precisely the conduct prohibited by Section 908.103(6)(d), Florida Statutes. In short, we risk stepping into a legal trap.

Moreover, the language of this resolution appears to concede—without legal challenge—the Attorney General's assertion that Key West is now a "sanctuary city" in violation of state law. That framing matters. It will surface in court pleadings, press releases, and future legislative debates. Once it's part of the public record, it cannot easily be undone.

We do not have to make that mistake. I respectfully request that the Commission **table the resolution** and direct the City Attorney (or outside counsel) to seek a **declaratory judgment**, as the City of South Miami is doing. Let a court decide whether entering into this agreement is legally required. That approach is not only responsible and strategic—it is lawful.

Due to prior obligations that cannot be changed, I may be unable to attend the full meeting tomorrow. However, I felt strongly enough about this issue to submit these comments in writing, and ask that—if I am unable to be present—they be read into the record on my behalf.

Let's not rush this decision. Let's do it right.

Thank you for your time and thoughtful consideration.

Sincerely,

Ashley N. Sybesma
The Smith Law Firm
509 Whitehead Street
Key West, FL 33040
Phone: (305) 296-0029
Email: Ashley@TheSmithLawFirm.Com