

Operation Guardian



OKLAHOMA
Dept of Public Safety

On November 15, 2024, Governor J. Kevin Stitt charged me, in my capacity as the Oklahoma Commissioner of Public Safety and Homeland Security Advisor, to propose strategies for the State to address the public safety hazards of illegal aliens who have engaged in criminal activity within Oklahoma (“criminal illegal aliens”) as well as the cost and burden of incarcerating these criminal illegal aliens. In furtherance of this mission called Operation Guardian, Governor Stitt directed me to consult with state, county, and local law enforcement as well as the Department of Corrections to create a strategic plan to address the presence of illegal immigrants who have committed crimes in our state. In consultation with Governor Stitt, it seems clear a comprehensive plan cannot be completed and executed until President Trump’s cabinet and agency heads have an opportunity to implement President Trump’s executive orders and agenda concerning illegal immigrants. However, please accept this report on the findings and planning progress to date.

I. The Threat

On August 5, 2024, the United States House Judiciary Committee and its Subcommittee on Immigration Integrity, Security, and Enforcement released an interim staff report titled, [“Terror at Our Door: How the Biden-Harris Administration’s Open-Borders Policies Undermine National Security and Endanger Americans.”](#) Among other consequences of the Biden-Harris administration’s reckless open-border disaster, this report highlights how the Biden-Harris administration has released into American communities at least 99 illegal aliens on the terrorist watchlist. With as many as 1.9 million known “gotaways” escaping into the country, there is no data available detailing the countless additional terrorists, cartel members, and members of other transnational criminal organizations (“TCOs”) who have infiltrated our communities after parading across the Biden-Harris administration’s welcome mat.

In addition to terrorists inspired by foreign ideologies (such as the [Afghan national\(s\) plotting a terrorist attack on Oklahoma polling places on election day](#)), members of TCOs such as Tren de Aragua engage in violent criminal activities in U.S. communities that would qualify as terrorism under Oklahoma law ([21 O.S. § 1268.1\(8\)](#)).¹ See, e.g., [Sarah Rumph-Whitten, Tren de Aragua gang members charged after terrorizing Aurora, Colorado residents for months, FoxNews.com, Jan. 13, 2025](#). And, aside from terroristic activity, Oklahoma’s booming marijuana industry has made Oklahoma an attractive target for TCOs engaged in drug trafficking, human trafficking, and other criminal activity catering to the actors engaged in the illicit drug culture. See, e.g., [K. Querry-Thompson, OBN: Organized crime network using illegal marijuana farms for drug, sex trafficking, KFOR.com, Feb. 24, 2023](#).

¹ President Trump has directed the Secretary of State to evaluate Cartels and other TCOs for designation as Foreign Terrorist Organizations consistent with 8 U.S.C. § 1189 and/or Specially Designated Global Terrorists consistent with 50 U.S.C. § 1702 and E.O. 13224. See [Exec. Order. No. 14157, Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists, 90 Fed. Reg. 8439 \(2025\)](#).

Needless to say, with the countless terrorists and criminals unleashed on our communities by the Biden-Harris administration, it is my professional opinion criminal activity by illegal aliens presents a clear threat to public safety in Oklahoma. This opinion is shared by many of the federal, state, county, and local law enforcement leaders I have consulted in furtherance of Operation Guardian.

Additionally, as observed in Governor Stitt's announcement of Operation Guardian, incarcerating criminal illegal aliens represents a significant burden on Oklahoma's taxpayers. The Oklahoma Department of Corrections ("ODOC") currently incarcerates 525 criminal illegal aliens for whom the U.S. Immigration and Customs Enforcement agency ("ICE") has issued a [detainer](#). (The number of offenders with ICE detainers is expected to go up dramatically under President Trump's Administration.²) Housing these criminal illegal aliens costs Oklahoma's taxpayers roughly \$36,000.00 per day.

According to ODOC, of these 525 criminal illegal aliens, categories of criminal activity include:

- 139 (27%) non-violent drug crimes,
- 11 (2%) non-violent property crimes,
- 103 (20%) violent assault crimes,
- 38 (7%) violent sex crimes,
- 159 (30%) violent crimes against children, and
- 75 (14%) violent crimes resulting in death.

ODOC's records reflect the countries of origin for these offenders include:

- 377 (72%) Mexico,
- 40 (8%) Guatemala,
- 35 (7%) Honduras,
- 7 (1%) Vietnam, and
- 66 (12%) Other.

In addition to these known criminal illegal aliens within ODOC custody, there are likely hundreds more with ICE detainers (or who would qualify for ICE detainers) in county jails serving out a judgment and sentence or being held in pretrial detention.

² See [Exec. Order No. 14159, Protecting the American People Against Invasion, 90 Fed. Reg. 8443 \(2025\), § 10.](#)

II. Initial Areas of Focus

Our initial areas of focus for Operation Guardian include:

- identifying approaches to transferring criminal illegal aliens in ODOC to ICE custody for removal,
- identifying approaches to transferring criminal illegal aliens in county jails to ICE custody for removal,
- addressing criminal illegal aliens who have already been released from ODOC custody,
- identifying approaches for law enforcement officer contacts with criminal illegal aliens, and
- identifying approaches to mitigate the risks faced by migrant juveniles who were released at the border into the U.S. by the Biden-Harris administration.

III. Pre-Existing Laws and Programs Available for Mitigation of the Threat

A. Criminal Illegal Aliens in ODOC Custody

When it comes to transferring criminal illegal aliens out of ODOC custody and into ICE custody for removal, our review of existing law reveals several approaches. Available mechanisms for release from ODOC custody for removal include:

- “Removal” Parole – [57 O.S. § 332.7](#)(M)
 - if
 - not a U.S. Citizen, and
 - convicted of a [non-violent offense](#), and
 - U.S. has issued a final order of deportation,
 - then
 - offender shall be considered for parole to the custody of ICE for continuation of deportation proceedings at any time after ODOC reception and processing, and
 - no person shall be considered for parole under this subsection without the concurrence of at least three members of the Pardon and Parole Board.
- Administrative Parole – [57 O.S. § 332.7](#)(C)(1), (Q), (R)
 - offender has served at least 1/4 of sentence for crimes committed on or after 11/01/2018, or at least 1/3 of sentence for crimes committed between 07/01/1998 & 11/01/2018, and
 - convicted of [non-violent, non-85% crime](#),
 - if within 6 months of discharge date, offender will be paroled if there is no objection from victim or district attorney, or
 - if not within 6 months of discharge date, offender will be paroled if
 - there is no objection from victim or district attorney, and
 - offender has complied with ODOC case plan, and

- offender meets statutory eligibility requirements based on lack of recent infractions during incarceration
- NOTE: Release through administrative parole requires action by the Pardon and Parole Board, and offenders eligible for administrative parole will be paroled from ODOC custody whether or not ICE takes the offender into custody for removal.
- Traditional “Discretionary” Parole – [57 O.S. § 332.7](#)
 - offender has served at least 1/4 of sentence for crimes committed on or after 11/01/2018, or at least 1/3 of sentence for crimes committed between 07/01/1998 & 11/01/2018, and
 - offender was not sentenced to serve life without parole,
 - for non-violent offenders, parole is subject to discretion of Pardon and Parole Board,
 - for violent offenders, parole is subject to discretion of Pardon and Parole Board and the Governor.
- [ICE Rapid REPAT](#) (Removal of Eligible Parolees Accepted for Transfer) Program – [8 U.S.C. § 1231\(a\)\(4\)\(B\)\(ii\)](#); [8 U.S.C. § 1253\(a\)\(1\)](#); [57 O.S. § 530.4](#)
 - U.S. has issued deportation order (state requirement),
 - offender has served 1/3 of sentence (state requirement),
 - conviction is not for an [85% crime](#) (state requirement),
 - State deems removal in best interest of State (federal requirement),
 - State requests removal in writing (federal requirement),
 - offender waives all administrative and judicial appeals (federal requirement), and
 - offender agrees to cooperate with ICE to facilitate the removal (federal requirement).

In addition to these existing programs for transferring offenders from ODOC custody into ICE custody for removal proceedings, it is worth noting Oklahoma law has, since 1996, directed ODOC to “vigorously” pursue available mechanisms to support ICE in processing inmates for removal. Specifically, [57 O.S. § 530.3](#) provides:

It is the intent of the Legislature that the Department of Corrections vigorously provide assistance to the United States Department of Justice:

1. *For the identification of foreign-born nationals who are in the custody of the Department of Corrections;*
2. *In conducting interviews of and processing foreign-born nationals or suspected foreign-born nationals who are in the custody of the Department of Corrections; and*
3. *In conducting and completing the deportation process of inmates whom the United States Department of Justice determines to be aliens deportable from the United States. The Department of Corrections shall assist the Immigration and Naturalization Service in obtaining court*

certified copies of any records requested for use in official criminal or administrative proceedings.

The Department of Corrections shall implement rules for the determination of the place of birth of all inmates in the custody of the Department. This determination shall be completed by January 1, 1997. Upon completion of this determination, the Department of Corrections shall report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives how many inmates in the custody of the Department are not citizens of the United States. The Department of Corrections shall submit updated reports to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives on a quarterly basis.

The Department of Corrections shall also implement rules for the notification of the Immigration and Naturalization Service of the identity of all inmates in the custody of the Department of Corrections who are foreign-born nationals or that the Department of Corrections suspects are foreign-born nationals. The Department of Corrections shall convene a working group and include the Immigration and Naturalization Service in the formulation of rules for implementation of this section.

The emphasis of Governor Stitt’s and President Trump’s Administrations on removing criminal illegal aliens from the state/country presents ODOC with an unprecedented opportunity to capitalize on the public policy expressed in [57 O.S. § 530.3](#). ODOC Director Steven Harpe and I agree ODOC will benefit from a renewed rule-making effort to meet the expectations set forth in Section 530.3 and support the agendas of our Governor and President.

Additionally, in view of President Trump’s recent executive orders breathing new life into ICE “287(g)” agreements,³ Director Harpe and I agree the timing is right for ODOC to explore entering a 287(g) agreement with ICE. “The 287(g) program allows ICE — through the delegation of specified immigration officer duties — to enhance collaboration with state and local law enforcement partners to protect the homeland through the arrest and removal of noncitizens who undermine the safety of our nation’s communities and the integrity of U.S. immigration laws.” <https://www.ice.gov/identify-and-arrest/287g>.

³ See [Exec. Order No. 14159, Protecting the American People Against Invasion, 90 Fed. Reg. 8443 \(2025\), § 11](#). (requiring DHS “to the maximum extent permitted by law [to] take appropriate action, through agreements under section 287(g) ... or otherwise, to authorize State and local law enforcement officials ... to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States”).

At present, the 287(g) program includes two types of agreements:

- The Jail Enforcement Model is designed to identify and process removable noncitizens — with criminal or pending criminal charges — who are arrested by state or local law enforcement agencies.
- The Warrant Service Officer program allows ICE to train, certify, and authorize state and local law enforcement officers to serve and execute administrative warrants on noncitizens in their agency’s jail.

Effectively, the Warrant Service Officer program is a scaled-back version of the more comprehensive Jail Enforcement Model (“JEM”). The JEM agreement delegates to select state and local officials ICE authority to:

- interrogate,
- serve and execute arrest warrants,
- serve and execute warrants of removal,
- administer oaths, take evidence, and perform booking functions,
- prepare charging documents,
- detain and transport to ICE facilities, and
- issue immigration detainers.

Entering a 287(g) agreement with ICE would support ODOC’s stewardship of the public policy expressed in [57 O.S. § 530.3](#) and allow ODOC to nominate criminal illegal aliens for detainers and removal.

B. Criminal Illegal Aliens in County Custody

There are several existing programs that could aid in transferring criminal illegal aliens out of county jail custody and into ICE custody for removal.

- [57 O.S. § 16a](#) – Authorizing County Jails to Hold Immigration Detainees
 - Directs all sheriffs and jailers who have custody of a person subject to an [ICE detainer](#) to
 - Comply with, honor and fulfill any request made in the ICE detainer; and
 - Inform the detainee he or she being held pursuant to an ICE detainer.
- [ICE 287\(g\) Program](#)
 - As described in the preceding section, entering ICE 287(g) agreements would allow county deputies/jailers to exercise limited authority of ICE officers to process illegal aliens for ICE detention/removal prior to the offender’s release from county custody.
 - At present, we are aware of only Canadian, Okmulgee, and Tulsa Counties have 287(g) agreements in place.

- ICE Detention Center Contracts
 - ICE also contracts with local jails to serve as detention facilities.
 - At present, only [Kay County](#) has a detention contract with ICE.
- District Attorney Discretion for Pre-Trial Detainees
 - If a pretrial detainee is awaiting trial on State charges and the U.S. has issued a removal order, the District Attorney has discretion to work with ICE, including the discretion to dismiss charges, so the U.S. could complete removal without Oklahoma’s taxpayers having to pay for the offender to be jailed.

IV. Next Steps

In addition to taking steps to transfer criminal illegal aliens in state or county custody to ICE custody for removal, we have also identified actions available to Oklahoma’s peace officers.

A. Arrest of Criminal Illegal Aliens with Prior Felonies who Illegally Re-Entered United States

Federal law authorizes state and local law enforcement agencies to arrest and detain any individual who (1) is an alien illegally present in the U.S., (2) has previously been convicted of a felony in the U.S., and (3) was deported or left the U.S. after such conviction. See [8 U.S.C. § 1252c\(a\)](#). Prior to exercising this authority, the officer must contact ICE to confirm the person is subject to arrest. Successfully exercising this authority in Oklahoma will depend on the United States Department of Justice (“USDOJ”) updating records in the National Crime Information Center to identify those persons who qualify for arrest under this provision. See [8 U.S.C. § 1252c\(b\)](#).

B. Participate in Federal Homeland Security Task Force

President Trump has mandated the creation of Federal Homeland Security Task Forces (“HSTF”), to be led by the Attorney General and the Secretary of Homeland Security and to include members of state and local law enforcement agencies. See [Exec. Order No. 14159, Protecting the American People Against Invasion, 90 Fed. Reg. 8443 \(2025\), § 6](#).

“The objective of each HSTF is to end the presence of criminal cartels, foreign gangs, and transnational criminal organizations throughout the United States, dismantle cross-border human smuggling and trafficking networks, end the scourge of human smuggling and trafficking, with a particular focus on such offenses involving children, and ensure the use of all available law enforcement tools to faithfully execute the immigration laws of the United States.” *Id.* OHP will participate in the HSTF(s) operating in Oklahoma. OHP will assign troopers to serve as ICE task force officers to provide statewide enforcement, addressing criminal activity by illegal aliens. We will also support ICE by collaborating with other state, county, and municipal authorities for enforcement assistance.

I anticipate working with new leadership in the USDOJ and the U.S. Department of Homeland Security (“DHS”) to promote greater access by state and local law enforcement to the records necessary to identify and take into custody those illegal aliens who have engaged in criminal violations of federal immigration law. Additionally, I will request that our federal partners provide mechanisms for state and local law enforcement to perform biometric screening of subjects in the field.

C. Enforcement of Impermissible Occupation

Oklahoma has already enacted the innovative impermissible occupation law. See [21 O.S. § 1795](#). As the Governor is aware, this law is subject to a preliminary injunction issued by the United States District Court for the Western District of Oklahoma (Case No. CIV-24-511-J). The preliminary injunction is currently on appeal to the Tenth Circuit (Appeal No. 24-6144). Oklahoma’s prohibition against impermissible occupation will prove to be an invaluable tool to mitigate the threats to Oklahoma presented by criminal illegal aliens, once the injunction is lifted in the federal proceedings.

D. Enforcement of Laken Riley Act

The [Laken Riley Act](#) requires DHS to detain certain non-U.S. nationals (aliens under federal law) who have been arrested for burglary, theft, larceny, shoplifting, assault of a law enforcement officer, or any crime that results in death or serious bodily injury. The bill also authorizes states to sue the federal government for decisions or alleged failures related to immigration enforcement. This new federal law is poised to address the problem of illegal aliens arrested for these crimes being released to the street after serving a judgment and sentence. Additionally, it appears to require the federal government to issue detainers for illegal aliens who have sometime previously been charged with, arrested for, convicted of, admitted having committed, or admitted committing acts which constitute the essential elements of any of the listed offenses.

E. Making Use of the Oklahoma Counter Terrorism Intelligence Center

The Oklahoma Counter Terrorism Intelligence Center (“OCTIC”) provides invaluable resources for the Oklahoma law enforcement community. Pertinent to the subjects addressed in this report, OCTIC monitors and reports on activities of transnational criminal organizations in Oklahoma, monitors and reports on indicators of terrorist activity, and supports local law enforcement agencies in nominating appropriate persons for the terrorism watchlist.

F. CLEET-Approved Training Program

State law requires state, county, and municipal law enforcement agencies to:

1. Comply with, honor and fulfill any request made in an ICE detainer; and
2. Inform the detainee that he or she is being held pursuant to an ICE detainer.

[22 O.S. § 171.3.](#)

Oklahoma's peace officers would benefit from training on this Section 171.3 mandate, along with the other available mechanisms set forth above in this "Next Steps" section. DPS anticipates working with CLEET to develop a training program to educate peace officers on the tools at their disposal to mitigate the threat to public safety represented by criminal illegal aliens.

G. Migrant Children

[An August 19, 2024, report of the U.S. DHS Office of Inspector General](#) raises concerns for the welfare of tens of thousands, if not hundreds of thousands, of migrant children who have been released into the U.S. and whose whereabouts may be unknown by Biden's DHS. Being in such close proximity to the southern border, this is an area of concern for Oklahoma as these children are potentially at increased risk for labor or sex trafficking. DPS intends to support any initiatives of President Trump and Tom Homan, President Trump's "Border czar," in locating and protecting the welfare of these children.



Tim Tipton,
Commissioner of Public Safety