

## States and Localities That Limit Compliance with ICE Detainer Requests (December 2013)

The Obama Administration has removed a record number of individuals - [1.5 million](#) during the first term alone. Many deported immigrants come to the attention of ICE through its various partnerships with local law enforcement agencies, including Secure Communities, the Criminal Alien Program, and 287(g). Through these programs, ICE targets individuals who have come into contact with local and state law enforcement. If ICE has reason to believe that an individual in criminal custody may be removable, it can issue an immigration detainer asking the local law enforcement agency to continue to hold that individual for up to 48 hours to give ICE a chance to place the person into immigration custody – regardless of whether the person was ever convicted of a crime. Although immigration detainers are merely requests – not mandatory – more often than not local law enforcement agents comply. The result is the deportation of increasing numbers of often innocent immigrants. According to [recently released data](#), only 14% of the detainers ICE issued in FY 2012 and during the first four months of FY 2013 “target[ed] individuals who pose a serious threat to public safety or national security” while approximately half implicated individuals with “no record of criminal conviction, not even a minor traffic violation.”

Accompanying the increase in removals is an increase in the number of states and localities that are refusing to do the federal government’s job of enforcing immigration laws. Among the concerns cited by policymakers are burdens on limited local resources; the undermining of public safety; the destruction of trust between law enforcement and immigrant communities; the separation of families; and the questionable constitutionality of ICE detainers. Over the past several years, two states, the District of Columbia, at least eight cities, and twelve counties have officially restricted the extent to which law enforcement may continue to detain individuals to hand over to ICE. These policies range from broad limitations prohibiting local law enforcement from honoring any ICE detainer requests to more narrow measures restricting compliance to cases in which the individual has been convicted of a certain felony or other serious crime.

JURISDICTION	ANTI-DETAINDER LAW OR POLICY	DATE PASSED
<b>STATE LAWS<sup>1</sup></b>		
California	<a href="#">“Transparency and Responsibility Using State Tools” (TRUST) Act</a>	Oct 5, 2013
Connecticut	<a href="#">TRUST Act</a>	Jul 19, 2013
<b>CITY AND COUNTY POLICIES</b>		
<b>California</b>		
City of Berkeley	<a href="#">City Council Policy</a>	Oct 31, 2012
City of Los Angeles	<a href="#">LA Police Department Policy</a>	Dec 11, 2012
City of San Francisco	<a href="#">Board of Supervisors Due Process for All Ordinance</a>	Oct 8, 2013
San Francisco County	<a href="#">San Francisco Sheriff’s Policy</a>	Jun 1, 2011
Santa Clara County	<a href="#">Board of Supervisors Policy</a>	Oct 18, 2011
Sonoma County	<a href="#">Sonoma County Sheriff’s Policy</a>	Jul 20, 2011

<sup>1</sup> Similar legislation was introduced this year in Florida, Massachusetts, and Washington but has not yet passed.

JURISDICTION	ANTI-DETAINDER LAW OR POLICY	DATE PASSED
<b>District of Columbia</b>	<a href="#">D.C. Act 19-379</a>	Jun 15, 2012
<b>Florida</b>		
Miami-Dade County	<a href="#">Memorandum from County Attorney</a>	Jul 15, 2013
<b>Illinois</b>		
Champaign County	<a href="#">Sheriff's Office Policy</a>	Mar 8, 2012
City of Chicago	<a href="#">City Council Ordinance</a>	Sep 12, 2012
Cook County	<a href="#">Cook County Ordinance 11-O-73</a>	Sep 7, 2011
<b>Louisiana</b>		
New Orleans Parish	<a href="#">Orleans Parish Sheriff's Office Policy</a>	Aug 14, 2013
<b>Massachusetts</b>		
Town of Amherst	<a href="#">Town of Amherst Resolution</a>	May 21, 2012
<b>New Jersey</b>		
City of Newark	<a href="#">Police Department Policy</a>	Jul 24, 2013
<b>New York</b>		
New York City	<a href="#">Local Law No. 21</a>	Mar 18, 2013
<b>New Mexico</b>		
Town of Mesilla	<a href="#">Board of Trustees Resolution</a>	Sep 9, 2013
San Miguel County	<a href="#">Detention Center Policies and Procedures</a>	Dec 10, 2010
Taos County	<a href="#">Adult Detention Center Policies and Procedures</a>	Jan 4, 2011
<b>Oregon</b>		
Multnomah County	<a href="#">Board of County Commissioners Resolution</a>	Apr 4, 2013
<b>Washington</b>		
King County	<a href="#">King County Council Ordinance 2013-0285</a>	Dec 2, 2013
<b>Wisconsin</b>		
Milwaukee County	<a href="#">Board of Supervisors Resolution</a>	Jun 4, 2012

For an overview of collaboration between ICE and local law enforcement agencies through the Criminal Alien Program, 287(g) partnerships, and Secure Communities and the use of ICE detainers to identify potentially deportable individuals in state or local custody, please see the recording of CLINIC's November 8, 2013 [Webinar: Recent Trends in State and Local Immigration Enforcement](#). In addition, you can find strategies to advocate against the implementation and continuation of these programs in your community in CLINIC's [Toolkit for Communities to Advocate Against ICE Partnerships with Local Law Enforcement Agencies](#).

*This summary was prepared in December 2013 for informational purposes only and is not intended as legal advice. For questions, please contact CLINIC's State & Local Advocacy Attorney Jen Riddle at [jriddle@cliniclegal.org](mailto:jriddle@cliniclegal.org) or (301) 565-4807.*