



# LOCAL POLICY INTERVENTIONS **FOR PROTECTING IMMIGRANTS**

Published by **The Immigrant Legal Resource Center** | [ILRC.ORG](http://ILRC.ORG)





# ACKNOWLEDGEMENTS

**AUTHORS:** Lena Graber and Nikki Marquez

**CONTRIBUTORS:** Rose Cahn, Arianna Rosales, Grisel Ruiz, Angie Junck

**REPORT DESIGN:** Eliza Wee, Dogmo Studios

**MORE INFORMATION:** [www.ilrc.org/enforcement](http://www.ilrc.org/enforcement)

**SPECIAL THANKS:** Special thanks to Professor Christopher Lasch and his colleagues for compiling and publishing their database of many of the policies referenced in this resource.

## ABOUT THE IMMIGRANT LEGAL RESOURCE CENTER (ILRC)

The Immigrant Legal Resource Center (ILRC) is a national non-profit resource center that works to improve immigration law and policy, expand the capacity of legal service providers, and advance immigrant rights. With deep expertise in immigration law, including removal defense and the immigration consequences of criminal convictions, the ILRC trains attorneys, paralegals, and community-based advocates who work with immigrants around the country. We inform the media, elected officials, and public to shape effective and just immigration policy and law. We work closely with grassroots immigrant organizations to shape local policies that reform the criminal legal system and protect immigrant rights.



## PHOTO CREDITS

**FRONT COVER:** Sheila Fitzgerald // Shutterstock.com

**BACK COVER:** Sheila Fitzgerald, Diego G. Diaz // Shutterstock.com

**INTERNAL IMAGES:** Diego G. Diaz // Shutterstock.com



## INTRODUCTION

As vicious and racist attacks on immigrant communities have continued to escalate in the last several years, many cities, counties, and states have pushed back with whatever local power they have. This resource is for the cities and counties across the United States working to enact or expand local policies to protect their immigrant residents. These policies seek to keep immigrant communities safe, ensure that all individuals are treated equally, regardless of immigration status, devote local resources to local priorities, and uphold the Constitution.

At the forefront of this battle is when the local criminal legal system leads to the involvement of Immigration & Customs Enforcement (ICE). Many local agencies voluntarily aid ICE at their own expense. There is no federal law obligation for local law enforcement to help ICE, and in ceasing this voluntary cooperation, cities and counties can take important steps to ensure that they do not serve as a pipeline to deportation. Moreover, local policies to reform the criminal legal system can protect both citizens and noncitizens from criminalization and mass incarceration.

Rather than provide a one-size-fits-all model ordinance, we have selected some of the best language from policies enacted by cities, counties, and states, and organized those policy ideas into different issue areas to help people prioritize according to the needs of their community. We identify the key policy intervention and link to examples of where state and local governments have taken this on. **While we have selected policy language enacted by communities across the country, it is essential to recognize that many of these reforms can also be achieved outside of an ordinance, through a change in agency protocols, an administrative rule, or merely by a decision on a contract.**

This update to our 2016 resource, Local Options, includes more examples and ideas of new and creative ways communities are coming together to support immigrants. This is not an exhaustive list of policy recommendations, but rather concrete examples of actions local jurisdictions have taken in response to the enlistment of their own agencies as the front line of immigration enforcement and the detrimental results on their residents. We focus specifically on reforms that stop local agencies, particularly law enforcement, from contributing to immigration detention and deportations.



# ESSENTIAL LEGAL CONTEXT

## TAKING INTO ACCOUNT STATE LAWS IMPACTING IMMIGRATION ENFORCEMENT

The focus of this resource is on local (city and county) level policies. However, a number of states have passed laws related to how their state and local agencies may engage in immigration issues. These state laws are important for local advocates to know about for two main reasons: First, these state laws may impact or constrain the local policies you are able to pass. Second, laws from other states may serve as inspiration for local policies. Below is a snapshot of some of the state legislation that regulates how local governments and agencies may participate in immigration enforcement. This list is **not exhaustive**, but rather an example of what some of these state laws may look like.

Broad Pro-Immigrant State Laws	Anti-Sanctuary State Laws
California: <a href="#">2016</a> ; <a href="#">2017</a>	Alabama: <a href="#">2011</a> *
Connecticut: <a href="#">2019</a>	Arizona: <a href="#">2010</a> *
Colorado: <a href="#">2019</a>	Arkansas: <a href="#">2019</a>
District of Columbia: <a href="#">2019</a>	Florida: <a href="#">2019</a>
Illinois: <a href="#">2017</a>	Georgia: <a href="#">2011</a> *; <a href="#">2009</a>
New Jersey: <a href="#">2019</a>	Indiana: <a href="#">2011</a> *
New York: <a href="#">2018</a>	Iowa: <a href="#">2017</a>
Oregon: <a href="#">2017</a>	Mississippi: <a href="#">2017</a>
Rhode Island: <a href="#">2014</a>	South Carolina: <a href="#">2012</a> *
Vermont: <a href="#">2017</a> ; <a href="#">2019</a>	Tennessee: <a href="#">2018</a>
Washington: <a href="#">2017</a> ; <a href="#">2019</a>	Texas: <a href="#">2017</a>

\* Law's provisions have been significantly limited by federal courts.





## WORKING WITHIN AN ANTI-SANCTUARY STATE LAW CONTEXT

If your state has “anti-sanctuary” laws that limit local immigration policies, be careful when trying to adopt any of the sample policy provisions in this guide because state law may prohibit some of them. We encourage you to look at our guide for reforms in an anti-sanctuary state: [\*Moving Texas Forward: Local Policies Towards Inclusive Justice\*](#). Written for advocates in Texas, this resource looks at local policies that are still valid in the context of SB4, the Texas state law that prohibits limitations on cooperation with ICE. However, few other state laws are as sweeping as Texas’ so keep in mind that what options are possible requires a close look at your specific state laws, as well as court rulings that may have struck down some provisions of those statutes.

## COUNTY AND CITY AUTHORITIES

In the majority of states in the U.S., police departments take primary responsibility for patrolling cities and towns, prosecutors charge individuals with crimes, and sheriffs manage and operate county jails and patrol unincorporated areas or small towns that have no police department. When police arrest a person, unless they are released very quickly, they will be brought to the county jail. The prosecutor has the power to decide what charges are brought in court, which can affect whether immigrant defendants will be subject to deportation. From the county jail, immigrants are then turned over to ICE. This is the arrest to deportation pipeline. Therefore, the county jail’s policies regarding assistance to ICE is where a local policy have a significant impact on deportations. Policy changes limiting arrests by police and informing charging decisions by the prosecutor can also greatly affect an immigrant’s chances of avoiding deportation. Additionally, policies regulating other municipal agencies can protect immigrants’ information and access to government services. Although ICE gets information and takes custody of most people from the county jail/sheriff’s department, there are still policies that many other local agencies can adopt to mitigate ICE’s presence and immigration consequences. To create effective local policy you must research what actors or bodies in your jurisdiction have control over the issues you are concerned about.

# LOCAL POLICY INTERVENTIONS TO PROTECT IMMIGRANTS

## INDEX OF POLICIES IN THIS GUIDE

- 06** **I. Multi-Agency Prohibitions on Immigration Enforcement**
1. Don't ask about immigration status or place of birth
  2. General prohibitions on assistance or resources used for immigration enforcement
  3. Data collection and transparency
  4. Broad confidentiality policies
- 10** **II. Limiting Jail-to-ICE Transfers**
1. No detention on ICE holds to facilitate transfers to ICE
  2. No notification of release dates or facilitating transfers to ICE
  3. No ICE agents or ICE offices operating in the jail
  4. Require consent forms before allowing ICE interviews
- 15** **III. Prohibitions on Patrol Officers Working with ICE**
1. No stops or arrests for immigration violations
  2. Refuse to participate in joint operations with ICE
  3. Prohibition on NCIC immigration arrests
  4. Prohibit probation departments from sharing information with ICE or facilitating immigration arrests
  5. Accept many forms of identification as proof of identity
- 20** **IV. Due Process Protections**
1. Serve copies of ICE detainers on subjects and defense counsel
  2. No use of federal immigration agents for interpretation
  3. Prevent public employees from threatening people on the basis of immigration status or nationality
  4. Access to pretrial release regardless of immigration status
  5. Protections on gang designations
- 25** **V. Criminal Legal Reforms Protecting Immigrants**
1. Reduce arrests
  2. Decline to bring charges
  3. Mandate pre-arrest, pre-charge, and pre-plea diversion
  4. Limit pre-trial booking and detention
  5. Require prosecutors/district attorneys to consider immigration consequences in charging and plea negotiations
  6. Adopt generous U Visa certification protocols
  7. Expand access to record clearance remedies
- 33** **VI. Reject or Terminate Contracts with ICE or CBP**
1. Limit or prohibit database sharing
  2. Prohibit or decline to participate in 287(g)
  3. Don't contract with ICE or US Marshals to detain immigrants
  4. Terminate or ban private prison contracts



# 1. Don't ask about immigration status or place of birth

**What:** Prevent all local agencies, especially law enforcement, from asking anyone about their immigration status or place of birth – which can be used as a proxy for citizenship.

**Why:** This information may be used to target a person for immigration enforcement. Asking people about their status may deter them from seeking services, protection, or engaging with local government agencies. Finally, prohibitions on asking this information send a baseline message that this locality will not discriminate against people based on perceived immigration status.

## **BERNALILLO COUNTY, NM**

No Bernalillo County employee, or any third party on its behalf, shall make or initiate any inquiry regarding the immigration status, citizenship, country of origin/place of birth, or nationality of an individual, except as required by law, including, without limitation, to determine eligibility for a federal benefit or program administered by the County.

## **CHICAGO, IL**

No agent or agency shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or investigation is required by Illinois State Statute, federal regulation, or court decision.

## **TAOS COUNTY, NM**

No inmate shall be asked about his place of birth or country of origin upon admission to the TCADC.

## **WASHINGTON STATE LAW**

State and local law enforcement agencies may not:(a) Inquire into or collect information about an individual's immigration or citizenship status, or place of birth unless there is a connection between such information and an investigation into a violation of state or local criminal law.

## 2. General prohibitions on assistance or resources used for immigration enforcement

**What:** Broadly forbid the use of local resources for immigration enforcement covers most activities, without naming specific requirements or prohibitions.

**Why:** Generally, local and state law enforcement have no authority to stop or arrest individuals based on immigration status or suspected civil immigration violations, and no federal law obligation to help with immigration enforcement. A broad prohibition on the use of resources can cover multiple agencies and issues without foreseeing every possible future action and specifically addressing them all.

### SAN FRANCISCO, CA

No department, agency, commission, officer, or employee of the City and County of San Francisco shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information regarding release status of individuals or any other such personal information as defined in Chapter 12I in the City and County of San Francisco unless such assistance is required by Federal or State statute, regulation, or court decision.

### MADISON, WI

Be it further resolved, except as provided in this resolution or when otherwise required by law, that no City of Madison department, agency, commission, officer, or employee of the City of Madison shall use any city funds or resources to enforce federal immigration laws.

### KING COUNTY, WA

An agent of King County or county employee shall not expend any time, moneys or other resources on facilitating the civil enforcement of federal immigration law or participating in civil immigration enforcement operations, except where state or federal law, regulation or court order or rule shall so require.



### 3. Data collection & Transparency

**What:** Require law enforcement to document details of their encounters with the public, including when and why they ask for someone's immigration status. In addition, law enforcement should document any time they assist to federal immigration agents, as well as the race and other traits of people stopped, arrested, or added to gang databases.

**Why:** Data collection provides aggregate information for the public on the actual practices of law enforcement and may reveal many forms of discrimination. Simultaneously, documentation requirements can discourage negative behavior.

#### AUSTIN, TX

The City Council directs the City Manager to send a quarterly memorandum to City Council that provides data concerning the use of City resources for immigration enforcement... The report shall document:

1. Anonymized and individualized records of every instance that a police officer inquires into the immigration status of a suspect...
2. All City resources used on immigration law enforcement assistance, and a justification for the use of those resources in relation to City's budget, public safety priorities, the city's strategic priorities, or legal requirement...
3. Any information that the City shared with a federal immigration enforcement agency at the request of a federal immigration agency.

#### PROVIDENCE, RI

The chief of police shall prepare and make available on the city's website, as well as to the Providence External Review Authority, the City Council and the public, a quarterly report commencing with the city's fiscal year containing the following information:

1. Compilation of the data collected pursuant to subsection (c)(1), providing at a minimum statistical descriptions of individuals stopped, results of the stop, analyzed by direct and cross-tabulation of race, ethnicity, gender, and age (as perceived by the officer initiating the stop).
2. Maps or other graphic representations providing approximate geographical locations of aggregate stops.
3. Complaints received by the Office of Professional Responsibility involving alleged violations of one or more provisions of this ordinance.
4. A summary of all pending civil and criminal litigation against the Providence Police Department or any of its employees, or the City of Providence, alleging violations of any provision of this ordinance.

## 4. Broad confidentiality policies

**What:** Provide protection of records or information collected by the local government involving any personal or sensitive information, including information related to immigration status or criminal case status.

**Why:** Broad confidentiality policies can protect immigration information from being shared with ICE and used to find or deport residents.

### SANTA FE, NM

No employee of the City of Santa Fe shall disclose to any person or agency outside city government any sensitive information about any person that comes into the employee's possession during the course and scope of that employee's work for the City of Santa Fe, except as required by law in order to provide a City service or carry out a function of City government or upon receipt of a valid court order. Sensitive information includes confidential identifying information such as social security numbers or individual tax identification numbers, a person's place and date of birth, a person's status as a recipient of public assistance or as a crime victim, and a person's sexual orientation, physical or mental disability, immigration status or national origin.

### KING COUNTY, WA

Except where necessary to provide King County services, or where otherwise required by state or federal law or regulation or directive or court order, King County agents and employees are not permitted to either maintain or share, or both, personal information or information about national origin, race, ethnicity, language proficiency, religion, sexual orientation, gender identity, disability, housing status, financial status, marital status, status as a victim of domestic violence, criminal history, release date from incarceration or confinement in a secure detention or other custody or status as a veteran.

# 1. No detention on ICE holds to facilitate transfer to ICE

**What:** Prohibit the continued detention of anyone in custody based on an ICE detainer after they would have otherwise been released, because they paid bail, were acquitted, finished a jail sentence, or were otherwise ordered released.

**Why:** Several courts have found prolonged detention based on ICE detainers unconstitutional or illegal. Local jurisdictions can be held liable for this type of illegal detention, even if it is on ICE's behalf. See a summary of the court decisions here: <https://www.ilrc.org/immigration-detainers-legal-update-july-2018>; and a legal memo with further analysis here: <https://www.ilrc.org/legal-analysis-immigration-detainers>.

## ATLANTA, GA

BE IT FURTHER RESOLVED that the Atlanta Police Department shall not detain or extend the detention of any individual at the request of U.S. Immigration and Customs Enforcement (ICE) unless ICE first presents the Atlanta Police Department with a judicially issued warrant authorizing such detention.

## RIO ARRIBA COUNTY, NM

An Immigration Detainer, DHS Form I-247, is not a criminal warrant and provides no constitutional basis for detaining any inmate, nor does it give Rio Arriba County Detention Facility the authority to detain an inmate beyond his/her authorized release date. Accordingly, all immigration detainers shall be disregarded.

## CULVER CITY, CA

If a CCPD arrestee receives an ICE detainer request, it should be attached to the booking forms indicating that the detainer was received. The jailer/booking officer shall write the word "REJECTED" at the top of the detainer.

## GULF COUNTY, FL

In light of recent federal court cases\*, law enforcement personnel shall not honor ICE detainers unless they are accompanied by a warrant issued by a federal judge or magistrate. An administrative warrant issued by an ICE official may not be used to detain a subject.

## SUFFOLK COUNTY, NY

Suffolk County Sheriffs Office (SCSO) officials shall not detain any individual at the request of U.S. Immigration and Customs Enforcement (ICE) unless ICE first presents SCSO with judicially issued warrant authorizing such detention. In particular, SCSO officials shall not arrest, detain, or transport anyone solely on the basis of an immigration detainer or an administrative immigration warrant, including an administrative immigration warrant in the National Crime Information Center (NCIC) database. Inmates with an ICE detainer will be sent to court for their commitment charge(s) as a straight/out court appearance. In the event all local charges are disposed of, the inmate will not be returned to the Correctional facilities.

## 2. No notifications of release dates or facilitating transfers to ICE

**What:** Prohibit sharing information about when someone will be released from jail. ICE regularly requests this assistance via ICE detainers or other communication.

**Why:** Notifying ICE of release dates has the same effect as any ICE detainer request — it facilitates collusion so that ICE can arrive in time to seize the person when they otherwise would be leaving jail. This process turns the jail into a funnel for immigration detention and undermines local law enforcement’s ability to engage with immigrant communities.

### COOK COUNTY, IL

Unless ICE agents have a criminal warrant, or County officials have a legitimate law enforcement purpose that is not related to the enforcement of immigration laws, ICE agents shall not be given access to individuals or allowed to use County facilities for investigative interviews or other purposes, and County personnel shall not expend their time responding to ICE inquiries or communicating with ICE regarding individuals’ incarceration status or release dates while on duty.

### WASHINGTON, DC

The District of Columbia shall not: ... Except as provided in Intergovernmental Agreement No. 16-00-0016, entered into between the Department of Corrections and the United States Marshals Service, grant any federal immigration agency access to a District detention facility, including St. Elizabeth Hospital or a facility under the control of the Department of Corrections or the Department of Youth Rehabilitation Services, for the purpose of releasing an individual into federal custody.

### SAN FRANCISCO, CA

No department, agency, commission, officer, or employee of the City and County of San Francisco shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information regarding the immigration or release status of individuals or any other such personal information as defined in Chapter 12I in the City and County of San Francisco unless such assistance is required by Federal or State statute, regulation, or court decision.

*Continued on next page* ▶

Continued from previous page ▶

## 2. No notifications of release dates or facilitating transfers to ICE

**What:** Prohibit sharing information about when someone will be released facilitates collusion so that ICE can arrive in time to seize the person exactly when they would be leaving the jail. ICE regularly requests this assistance via ICE detainers or other communication.

**Why:** Notifying ICE of release dates has the same effect as any ICE detainer request — it turns the jail into a funnel for immigration detention and undermines local law enforcement’s ability to engage with immigrant communities.

### BERNALILLO COUNTY, NM

County agencies, departments, officers, employees, contractors or agents shall not disclose any sensitive information about any person which came into the employee’s possession during the course and scope of that employee’s work for the County of Bernalillo, except in order to provide a County service, carry out a function of County government, to assist the Judicial branch of our State, including state courts, state district attorneys, and state public defenders, in response to a written request for records under the New Mexico Inspection of Public Records Act where such information is not otherwise exempted, (§§ 14-2-1 et seq. NMSA 1978), or as otherwise compelled by law. For purposes of this section, sensitive personal information means: social security number or individual tax identification number or lack of such numbers, an inmate’s custody release date, a person’s place and date of birth, a person’s status as a recipient of public assistance or as a crime victim, a person’s home or work address, a person’s employment information, a person’s sexual orientation, gender identity, physical or mental disability, religion, or national origin.

### SANTA CLARA COUNTY, CA

Except as permitted by this Policy, the County shall not provide assistance or cooperation to ICE in its civil immigration enforcement efforts, including by giving ICE agents access to individuals or allowing them to use County facilities for investigative interviews or other purposes, expending County time or resources responding to ICE inquiries or communicating with ICE regarding individuals’ incarceration status or release dates, or otherwise participating in any civil immigration enforcement activities.



### 3. No ICE agents or ICE officers operating in the jail

**What:** Prevent ICE agents' access to detainees in local custody, including access to jail databases or maintaining desks or offices of their own within the local jail.

**Why:** ICE uses access to local jails to get information on inmates and to interrogate them about their immigration history to get admissions of lack of status. Preventing ICE from using the jails protects immigrants from being coerced into answering ICE's questions.

#### WASHINGTON, DC

The District of Columbia shall not: ... (3) provide to any federal immigration agency an office, booth, or any facility or equipment for a generalized search of or inquiry about an individual in the District's custody;

#### TAOS COUNTY, NM

TCADC staff shall not facilitate or allow any telephone communication between an inmate and any ICE official without a court order requiring it.

#### MONTGOMERY COUNTY, MD

No agent or department may utilize County resources to coordinate with an immigration enforcement official in furtherance of a civil immigration enforcement operation; including by:

1. Permitting immigration enforcement officials access to non-public space within a government facility;
2. Permitting immigration enforcement officials access to a person being detained by, or in the custody of, the agent or department; or
3. Permitting immigration enforcement officials use of non-public space within a government facility, information or equipment for investigative interviews, or other investigative purposes.

## 4. Require consent forms before allowing ICE interviews

**What:** Require that before ICE is permitted to interrogate anyone in local custody, the person is given a written consent form that allows them to agree to or decline the interview with ICE.

**Why:** ICE regularly goes to local jails to interrogate people about their immigration status and place of birth. They then use this information to deport those individuals. A consent form provides the detainee the tools to effectively exercise their right to silence.

### CA STATE LAW

In advance of any interview between ICE and an individual in local law enforcement custody regarding civil immigration violations, the local law enforcement entity shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean. The written consent form shall also be available in any additional languages that meet the county threshold as defined in subdivision(d) of Section 128552 of the Health and Safety Code if certified translations in those languages are made available to the local law enforcement agency at no cost.

# 1. No stops or arrests for immigration violations

**What:** Prohibit local police and sheriffs from stopping or arresting people for immigration violations.

**Why:** Local police should not be in the business of immigration enforcement, which leads to racial discrimination and unlawful detention. Also, the Supreme Court held in *Arizona v. United States* that local law enforcement officers do not have authority to stop or arrest people for immigration violations. Nonetheless, this is routinely violated, so many local policies reinforce and clarify that officers should not stop or detain people for immigration enforcement purposes.

## LANSING, MI

Lansing Police Department Personnel will not, independently or assisting other law enforcement agencies, stop, pursue, interrogate, investigate, arrest, or otherwise detain a person based solely on their immigration status or suspected violations of immigration law.

## WINOOSKI, VT

WPD employees shall not facilitate the detention of undocumented individuals or individuals suspected of being undocumented by federal immigration authorities for suspected civil immigration violations. WPD employees shall not initiate or prolong stops for the purpose of enforcing civil immigration matters, such as suspicion of undocumented status, nor shall they prolong stops for the purpose of allowing federal immigration authorities to conduct such investigation.

## 2. Refuse to participate in joint operations with ICE

**What:** Decline to work with ICE or CBP on joint law enforcement operations or task forces, including “securing the perimeter” for ICE raids or other assistance.

**Why:** Local law enforcement’s involvement in operations with immigration officials turns them into agents of deportation and increases the likelihood they will unfairly target immigrants and people of color. There is no need or legal obligation to collaborate with ICE or CBP or to conduct joint arrests or raids.

### HOBOKEN, NJ

Specifically, Hoboken, its employees and agents and its law enforcement agents and employees shall not... participate jointly in or assist in any civil immigration enforcement operations, including but not limited to any immigration enforcement raids, investigations, interrogations, detections, apprehensions, detentions, transfers, or requests to establish traffic perimeters. Any such request for cooperation from ICE/CBP/ USCIS officers should be referred to the Chief of Police or appropriate agency chief who shall deny the request;

### NEW ORLEANS, LA

Members are not permitted to accept requests by ICE or other agencies to support or assist in immigration enforcement operations, including but not limited to requests to establish traffic perimeters related to immigration enforcement. In the event a member receives a request to support or assist in a civil immigration enforcement action he or she shall report the request to his or her supervisor, who shall decline the request and document the declination in an interoffice memorandum to the Superintendent through the chain of command.

### 3. Prohibition on NCIC immigration arrests

**What:** Forbid local officers from detaining a person based on an administrative ICE warrant in the National Crime Information Center (NCIC) database.

**Why:** Police use NCIC to check whether individuals in their custody have outstanding warrants. ICE also puts administrative immigration warrants for civil violations into NCIC, which confuses law enforcement officers who generally do not have legal authority to make arrests for civil immigration violations.

#### HARTFORD, CT

Hartford police officers shall not make arrests or detain individuals based on administrative warrants for removal entered by ICE into the National Crime Information Center database.

#### DECATUR, GA

In particular, the Decatur Police Department shall not arrest, hold, extend the detention of, transfer custody of, or transport anyone solely on the basis of an immigration detainer or an administrative immigration warrant, including an administrative immigration warrant in the National Crime Information Center (NCIC) database.



## 4. Prohibit probation departments from sharing information with ICE or facilitating immigration arrests

**What:** Prevent probation officers from reporting people to ICE or working with ICE to arrest people at their probation appointments. Probation departments supervise many people who have been released from criminal custody, often for years after the case was brought in court.

**Why:** Immigrants under probation have been released from custody by the criminal court, but can suffer re-arrest and incarceration if they do not meet probation requirements or attend mandatory appointments. People should not be put in the position of choosing between complying with court-ordered probation and risking deportation.

### COLORADO STATE LAW

A probation officer or probation department employee shall not provide personal information about an individual to federal immigration authorities.

### NYC PROBATION DEPT.

DOP staff shall not expend time while on duty, or DOP resources of any kind, disclosing information that belongs to the department and is available to them only in their official capacity, in response to federal immigration inquiries or in communicating with federal immigration authorities, regarding any probation client's reporting schedule, probation-related appointment schedule, incarceration status, release date, court appearance dates, or any other client-related information, other than information related to a person's citizenship or immigration status, without approval from the General Counsel. Specifically, DOP staff is prohibited from detaining, arresting, requesting a probation client to report, or facilitating contact between ICE and a DOP client in any manner unless the General Counsel finds (that there is a judicial warrant).

## 5. Accept many forms of identification as proof of identity

**What:** Require law enforcement agencies to accept many forms of ID, including non-government issued forms.

**Why:** Allowing people stopped for offenses to prove their identity with non-standard ID provides a way for undocumented individuals to be released or given citations rather than arrested. Reducing arrests mitigates the harsh consequences that can follow merely from being detained, such as loss of job or income, housing insecurity, inability to care for children, or referral to immigration detention.

### AUSTIN, TX

The City Council directs the City Manager to work with the Police Chief to identify additional documents or procedures that may be used by officers to establish a person's county of residence in order to issue a citation or ticket in lieu of arrest. Examples for consideration could include: any state or federal issued ID, library card, utility or rent bill, community organizational membership card, student ID, church ID, or other forms of identification that include an individual's name and address.

# 1. Serve copy of ICE detainers on subject and defense counsel

**What:** Ensure that any agency receiving an immigration detainer for someone in their custody provides the person and their defense counsel with a copy of that detainer.

**Why:** Knowing what is alleged on the detainer is essential to evaluating the legality and validity of the detainers, as well as for strategizing on the criminal defense case.

## KING COUNTY, WA

Upon receiving any ICE hold, notification or transfer request, department of adult and juvenile detention personnel shall provide a copy of the request to the person and inform the person whether the department intends to comply with the request.

## SONOMA COUNTY, CA

DS's then sends Public Defender email stating if the Department intends on notifying ICE or not with:

1. Completed "Immigration Notification Form" (or denial)
2. Immigration Notification Matrix First Review
3. ICE 247

## 2. No use of federal immigration agents for interpretation

**What:** Direct local agencies not to request assistance in interpretation from ICE or CBP.

**Why:** When ICE or CBP are used as interpreters, an encounter frequently becomes an immigration enforcement action, which has a chilling effect on the immigrant community. Furthermore, these policies discourage police from using the need for interpretation as a pretext for detaining immigrants or referring them to ICE or CBP.

### WINOOSKI, VT (VT STATE MODEL POLICY)

Department members shall not contact federal immigration authorities for interpretation services, unless a clear emergency requires it and qualified interpretation services are not available through any other means.

### WASHINGTON STATE LAW

No state or local law enforcement agency or school resource officer may enter into or renew a contract for the provision of language services from federal immigration authorities, nor may any language services be accepted from such for free or otherwise.

### 3. Prevent public employees from threatening people on the basis of immigration status or nationality

**What:** Prohibit the use of a person’s immigration status or nationality in trying to threaten them or coerce them into particular action.

**Why:** Using a person’s immigration status or nationality against them in unrelated circumstances or proceedings is unfair and discriminatory.

#### KING COUNTY, WA

Agents of King County and county employees are prohibited from verbally abusing or coercing persons or threatening to report them or their family members to ICE or threatening to take other immigration-related action against them or their family members.

#### EVANSTON, IL

No agent or agency will coerce, including improper or unlawful threats of deportation, or engage in verbal abuse of any person based upon the person’s or the person’s family members’ actual or perceived citizenship or immigration status.

#### HYATTSVILLE, MD

No official or employee may utilize any individual’s citizenship or immigration status as an interrogation tool or tactic. No official or employee may communicate to a suspect, detainee, or arrestee that any individual’s ability to remain within the United States of America may be in jeopardy. Nothing herein shall be construed as barring an official or employee from providing information regarding an individual’s citizenship or immigration status to that same individual.



## 4. Access to pretrial release regardless of immigration status

**What:** Ensure that everyone regardless of immigration status is eligible for release on their own recognizance, bail, or other pretrial release conditions.

**Why:** Without clear rules, judges or prosecutors may argue against pre-trial release because of someone's known or suspected immigration status. Being detained pre-trial hampers a person's legal defense as well as jeopardizes their employment, childcare, housing, etc., and it's essential to protect everyone's right to liberty.

### ILLINOIS EXECUTIVE ORDER

Any inmate who has bondable charges upon admission shall be allowed to post bond to secure his or her release. An immigration detainer request or an administrative warrant shall not inhibit an inmate's ability to post bond.

Inmates with an ICE detainer will be sent to court for their commitment charge(s) as a straight/out court appearance. In the event all local charges are disposed of, the inmate will not be returned to the Correctional facilities.

Neither the Illinois Department of Corrections nor any other State of Illinois law enforcement agency may consider an immigration detainer or administrative immigration warrant in determining an individual's eligibility or placement in any educational, rehabilitative, or diversionary program described in Chapter 730 of the Illinois Compiled Statutes or any other educational, rehabilitative or diversionary program administered by a law enforcement agency.

### PITKIN COUNTY, CO

The Pitkin County Sheriffs Office shall not delay bail and/or release from custody upon posting of bail solely because of (1) an individual's immigration or citizenship status, (2) a civil immigration warrant, or (3) an ICE or CBP request, for the purpose of immigration enforcement, for notification about, transfer of, detention of, or interview or interrogation of that individual.

### TUSKEGEE, AL

(U)nless otherwise provided by the United States Constitution and laws of the United States, and/or the laws and constitution of the State of Alabama, citizenship, immigration status, national origin, race, ethnicity, and the presence of an immigration detainer request, Immigration and Customs Enforcement, notification request, administrative immigration warrant, or other civil immigration custody documents should have no bearing on an individual's treatment in police custody (including but not limited to classification status, eligibility for work programs, or eligibility for pretrial diversion or alternatives to incarceration programs), or on officials' decisions to initiate questioning, stops or make arrests.

## 5. Protections on gang designations

**What:** Impose procedural and substantive limitations on when and how individuals may be labeled as gang members or associated or included in any gang lists or databases.

**Why:** Gang designations are based on unreliable and often discriminatory information. Even though the underlying information may be flimsy or erroneous, it is regularly used to target and deport immigrants and to criminalize young men of color.

### PROVIDENCE, RI

No police officer shall identify any individual as a member of a gang in any list or database maintained by any law enforcement agency, nor in any reports, memoranda or other document, unless the individual meets the criteria for inclusion on a so-called "gang list" or "gang database." No Police Department official authorized to enter information into the gang database shall identify any individual as a gang member in written notes unless the individual meet the criteria for inclusion on the so-called "gang list" or "gang database. The list of criteria used to determine inclusion on the "gang list" or "gang database" shall be public information, shall be subject to review by the Providence External Review Authority, and shall not include:

1. Association with other people identified as gang members or any substantially equivalent factor;
2. Race;
3. Location of domicile; nor
4. Location of encounter.

### LOS ANGELES, CA

Los Angeles City now has a process for people to petition to be removed from gang injunctions. You are eligible to submit this written "petition" if you are named on a gang injunction – known as the "enforcement list" — and if one or more of the following statements applies to you:

1. You are submitting the form within 90 days of being served with the injunction;
2. You were served with the injunction before April 15, 2007 when the process was established; and/or
3. You can show "good cause" why you should be removed, for example the completion of school, job training, a gang intervention program and/or other accomplishments.

# 1. Reduce arrests

**What:** Decriminalize or restrict arrests for certain offenses.

**Why:** Reducing arrests brings fewer people into both the criminal and immigration enforcement systems, avoiding the negative consequences of criminal charges and avoiding identification and targeting by ICE.

## AUSTIN, TX

1. On-duty officers who make the decision to take enforcement action on a subject who violates a Class A or Class B offense eligible for a misdemeanor citation shall issue a citation when all considerations outlined in this order have been met.
2. Supervisor approval is required to make a custody arrest in lieu of a citation for eligible Class A or Class B offenses that meet all the considerations outlined in this order.

## SAN MARCOS, TX

The City Council supports SMPD's commitment to increase the use of the cite and release process as part of a combined strategy, in cooperation with the Hays County Criminal District Attorney's Office, to divert eligible individuals from being incarcerated, prosecuted, and convicted in the criminal justice system.

## 2. Decline to bring charges

**What:** Decline to charge certain offenses in court altogether.

**Why:** When a prosecutor stops charging a type of crime altogether, then this decreases the incentives for police to arrest for that crime, therefore avoiding placing people in the harmful arrest-to-deportation pipeline.

### SUFFOLK COUNTY, MA

Charges on the list of 15 should be declined or dismissed pre-arraignment without conditions. The presumption is that charges that fall into this category should always be declined, even when attached to another charge... Instead of prosecuting, these cases should be (1) outright dismissed prior to arraignment or (2) where appropriate, diverted and treated as a civil infraction for which community service is satisfactory, restitution is satisfactory or engagement with appropriate community-based no-cost programming, job training or schooling is satisfactory. In the exceptional circumstances where prosecution of one of these charges is warranted, the line DA must

first seek permission from his or her supervisor. If necessary, arraignment will be continued to allow for consultation with supervisor. Thus, there will be an avenue for prosecuting these misdemeanors when necessary but it will be appropriately overseen by experienced prosecutors Appendix D Listing, e.g.: Trespass, Shoplifting, Larceny, Disorderly Conduct, Disturbing the Peace, Wanton or Malicious Destruction of Property, Receiving Stolen Property, Driving with a Suspended License, Breaking and Entering a Vacant or Non-vacant Property with Intent to Sleep, Minor in Possession of Alcohol, Drug Possession, Possession with Intent to Distribute, Threats

*Continued on next page* ▶

Continued from previous page ▶

## 2. Decline to bring charges

**What:** Decline to charge certain offenses in court altogether.

**Why:** When a prosecutor stops charging a type of crime altogether, then this decreases the incentives for police to arrest for that crime, therefore avoiding placing people in the harmful arrest-to-deportation pipeline.

### BRONX, NY

"In addition to diverting appropriate individuals from the criminal justice system, and consistent with my goal of focusing my office's efforts on promoting public safety, I am instructing my Assistant District Attorneys to presumptively decline to prosecute and request that NYPD issue a summons or connect the defendant to services for the following: Charges:

- Trespass (PL § 140.05)
- Criminal Trespass in the Third Degree (PL § 140.10)
- Theft of Services where the underlying offense is fare evasion in public transportation (PL § 165.15(3))
- Criminally Possessing a Hypodermic Instrument (PL § 220.45) Criminal Possession of Marijuana in the Fourth Degree (up to eight ounces) (PL § 221.15)
- Unlawful Assembly (PL § 240.10)
- Disorderly Conduct (PL § 240.20)
- Loitering for Prostitution (PL § 240.37)
- Operating without a License (VTL§ 509)
- Aggravated Unlicensed Operation of a Motor Vehicle in the Third Degree (VTL 511(1)(a), where the underlying reason for the suspension(s) is either Failure to Pay Child Support, Failure to Pay a Fine, or Failure to Post a Bond and the defendant was not involved in a collision in the incident or did not engage in any other serious violation of the Vehicle & Traffic Law that endangered public safety;
- Possession of a Knife (New York City Administrative Code 10-133), where that is the sole charge and there are no facts indicating an intent to use it against another."



### 3. Pre-arrest and pre-charge diversion

**What:** Instead of arresting an individual for a public offense, refer the person to treatment, services, or diversion programs that address the underlying cause of the criminal behavior.

**Why:** Diversion out of the criminal legal system before arrest not only avoids the harsh consequences of criminal law, but prevents fingerprints from being sent to ICE.

#### COMMUNITY-RUN RESPONSE PROGRAM

##### EUGENE, OR

CAHOOTS (Crisis Assistance Helping Out On The Streets) provides mobile crisis intervention 24/7 in the Eugene-Springfield Metro area. CAHOOTS is dispatched through the Eugene police-fire-ambulance communications center, and within the Springfield urban growth boundary, dispatched through the Springfield non-emergency number. Each team consists of a medic (either a nurse or an EMT) & a crisis worker (who has at least several years experience in the mental health field).

CAHOOTS provides immediate stabilization in case of urgent medical need or psychological crisis, assessment, information, referral, advocacy & (in some cases) transportation to the next step in treatment. Any person who reports a crime in progress, violence, or a life-threatening emergency may receive a response from the police or emergency medical services instead of or in addition to CAHOOTS.

#### LAW-ENFORCEMENT LED PRE-ARREST DIVERSION

##### LAW ENFORCEMENT ASSISTED DIVERSION, KING COUNTY, WA

A harm reduction/housing first framework requires a focus on individual and community wellness, rather than an exclusive focus on sobriety. The goal should be to address the participant's drug activity and any other factors driving his/her problematic behavior – even if abstinence from drug use is not achieved – and to build long-term relationships with participants without employing coercion or shame. Intensive case management and development of an Individual Intervention Plan serve as the action blueprint. This plan may include assistance with identification, housing, treatment, education, job training, job placement, licensing assistance, small business counseling, child care, or other services. Intensive case management provides increased support and assistance in all aspects of the participant's life. By "intensive case management," we mean a type of "guerilla case management", whereby radical efforts are made to meet the individual participant where they're at.

## 4. Limit pre-trial booking and detention

**What:** Enact policies refusing to hold people in custody prior to an adjudication of guilt.

**Why:** There is an increasing recognition that holding individuals in custody prior to an adjudication of guilt violates the presumption of innocence and severely exacerbates the racial and economic prejudices present in the criminal legal system. The moment an individual is booked, that person's fingerprints are sent to ICE so reforming pre-trial custodial practices helps immigrants avoid ICE enforcement.

### SUFFOLK COUNTY, MA

Consistent with the bail statutes, there will be a presumptive recommendation of release on personal recognizance without conditions for all individuals not charged with an offense that is detention-eligible under §58A. That presumption is only rebutted if there is clear evidence of a flight risk, as distinct from a needs based reason for not returning to court. To deviate from this presumption, the line ADA must seek supervisory approval. If approved, the ADA should enter a notation to the file with the supervisor's initials, and request the least restrictive conditions consistent with maintaining victim and community safety.

### SAN FRANCISCO, CA

"Pretrial release conditions, if any, shall be considered in order from least restrictive (No Conditions) to most restrictive (Electronic Monitoring / Home Detention). Release without condition shall be the initial position. The least restrictive condition or combination of conditions for release must be determined to be inadequate to protect public safety and to reasonably ensure the defendant's return to court before considering the next least restrictive condition. Examples of pretrial release conditions in tiers of ascending order from least to most restrictive is appended to this policy. (See Table I.)"

## 5. Require prosecutors/district attorneys to consider immigration consequences in charging and plea negotiations

**What:** Require prosecuting attorneys to consider immigration consequences in the course of charging and plea negotiations.

**Why:** Noncitizens can face harsh and disproportionate immigration consequences for criminal convictions they have already been punished for in the criminal system. Prosecutors hold significant authority to avoid these unfair consequences by agreeing to charges and plea bargains that do not carry additional immigration penalties.

### CALIFORNIA STATE LAW

The prosecution, in the interests of justice, shall consider the avoidance of adverse immigration consequences in the plea negotiation process as one factor in an effort to reach a just resolution.

### DENVER, CO

Accordingly, it is the policy of the Denver District Attorney's Office that chief deputy district attorneys and deputy district attorneys consider the immigration and other consequences to a defendant in recommending dispositions, to the extent they are aware of such, and, if appropriate, take reasonable steps to mitigate these consequences.

### CONTRA COSTA, CA

Examples of alternative considerations include, but are not limited to:

1. Devising an alternative plea agreement that is factually honest and of a similar nature and consequence to the originally charged offense, but minimizes the defendant's exposure to adverse immigration consequences;
2. Allowing language to be stricken from a charging document or plea colloquy while maintaining the truthfulness of the remaining charging language;
3. Community service hours;
4. Successful completion of rehabilitative program or programs to address underlying issues behind the problematic conduct as an additional condition of probation not in lieu of jail time;
5. Stipulating to a motion to vacate in post-conviction proceedings, if it is determined that, had the consequences been raised affirmatively in the initial proceedings, a different resolution would have been reached pursuant to this Policy.

## 6. Adopt generous U visa certification protocols

**What:** A U visa is a type of immigration relief for victims of certain crimes who have been, or are, likely to be, helpful to law enforcement in the investigation or prosecution of a crime. A required step in applying for a U visa is to obtain certification from a local law enforcement agency or judicial officer that: 1) the individual is a victim of a qualifying crime; and 2) the individual “has been, is being, or is likely to be helpful” in the investigation or prosecution of that crime.

**Why:** Local law enforcement does not need to determine anyone’s immigration status in order to provide certifications for U visas. However, without that certification, a person is unable to apply for a U visa. A clear policy outlining when and who should fill out these requests helps limit arbitrary refusals and facilitates access to this important form of relief.

### CALIFORNIA STATE LAW

Upon the request of the victim, victim’s family member, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings, a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918 Supplement B certification, when the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity.

For purposes of determining helpfulness pursuant to subdivision (g), there is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement.

### CONNECTICUT STATE LAW

On and after July 1, 2010, each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously process, upon request of a victim of family violence or other crime who is applying for U Nonimmigrant Status (A) a certification of helpfulness on Form I-918, Supplement B, or any subsequent corresponding form designated by the United States Department of Homeland Security, confirming that the victim of family violence or other crime has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the criminal activity, and (B) any subsequent certification required by the victim.

## 7. Expand access to record clearance

**What:** Adopt streamlined and widely accessible post-conviction relief protocols that help citizens and noncitizens eliminate the ongoing consequences of a conviction. When an office is pursuing a mass expungement or sealing, special care should be made to ensure the action is effective to eliminate immigration consequences.

**Why:** Adopting policies that help people, including immigrants, clean up their criminal records and erase old convictions can avoid or mitigate the ongoing consequences that can attach to a conviction long after the criminal sentence has been completed.

### BROOKLYN, NY

“Brooklyn District Attorney Eric Gonzalez today announced that his Office will offer those with a low-level conviction for marijuana possession the opportunity to erase that criminal record completely in the first initiative of its kind in New York State. Under this program, anyone convicted of low-level marijuana possession (PL 221.15, PL 221.10 or PL 221.05) will be eligible to file a motion asking to vacate that conviction and dismiss the underlying charge.”

### CA STATE LAW

Cal. Pen. C1473.7 (a) A person who is no longer in criminal custody may file a motion to vacate a conviction or sentence for either of the following reasons:

1. The conviction or sentence is legally invalid due to prejudicial error damaging the moving party’s ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere. A finding of legal invalidity may, but need not, include a finding of ineffective assistance of counsel.
2. Newly discovered evidence of actual innocence exists that requires vacation of the conviction or sentence as a matter of law or in the interests of justice.

# 1. Limit or prohibit database sharing

**What:** Terminate ICE’s access to local databases that may have information that could be used to target and deport immigrants. This includes state databases like motor vehicle records, local criminal legal case management data systems, or systems of records collected by various local agencies.

**Why:** Protecting local information enables immigrants to feel safer sharing their information with local government. Furthermore, as databases and information sharing have become widespread, allowing ICE access to this information may undermines many of the other policy efforts discussed in this resource.

## CALIFORNIA VALUES ACT

Except pursuant to Sections II.C and III below, no state, county, or local law enforcement agency or official shall provide the following types of assistance to federal immigration authorities when the sole purpose of that assistance is to enforce federal civil immigration law... (p)roviding access to any state, county, or local law enforcement equipment, office space, database, or property not available to the general public.

## CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM – POLICIES PRACTICES AND PROCEDURES

Pursuant to California GC § 3, Chapter 17.25 (commencing with § 7284,) federal, state or local law enforcement agencies shall not use any noncriminal history information contained within these databases for immigration enforcement purposes. “Immigration enforcement” includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States. (GC § 7284.4, subd. (f)).

## HOBOKEN, NJ

Specifically, Hoboken, its employees and agents and its law enforcement agents and employees shall not... (p)ermit ICE/CBP/ USCIS officers, agents, or representatives access to municipal facilities, property, equipment, or databases absent a valid and properly issued judicial criminal warrant specifying the information or individuals sought. Any attempts or requests for access to such facilities, property, equipment, or databases shall be immediately sent to the agency chief that controls the appropriate facility, property, database or equipment pertinent. No permission to access any such facility, property, equipment, or database shall be provided without the express, written approval of the appropriate agency chief. Should the appropriate agency chief approve access, such access shall be limited in scope and time to the parameters and targets prescribed in the valid and properly issued judicial criminal warrant.

\* These decisions can most easily be made by rejecting or terminating a specific contract, rather than enacting a law. But some sample statute or ordinance language is provided.

## 2. Prohibit or decline to participate in 287(g)

**What:** The 287(g) program is an agreement between a local agency and ICE to delegate certain immigration enforcement authority to the local agency.

**Why:** The 287(g) program increases racial profiling against immigrants, undermines community safety, and costs localities money. It is entirely voluntary and existing agreements can be terminated by either party at any time.

### CALIFORNIA STATE LAW

California law enforcement agencies shall not...(p)lace peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

### WASHINGTON STATE LAW

No state or local law enforcement officer may enter into any 35 contract, agreement, or arrangement, whether written or oral, that 36 would grant federal civil immigration enforcement authority or powers 37 to state and local law enforcement officers, including but not 38 limited to agreements created under 8 U.S.C. Sec. 1357(g), also known as 287(g) agreements.

### HOBOKEN, NJ

Specifically, Hoboken, its employees and agents and its law enforcement agents and employees shall not...(e)nter into any contract, agreement or arrangement that would grant federal immigration enforcement authority or power to the city or its agents or local law enforcement officers, including but not limited to agreements created under 8U.S.C. § 1357(g).

\* These decisions can most easily be made by rejecting or terminating a specific contract, rather than enacting a law. But some sample statute or ordinance language is provided.



### 3. Don't contract with ICE or U.S. Marshals to detain immigrants

**What:** ICE rents bed space in jails across the country to detain immigrants during their removal proceedings, through contracts that are commonly called Intergovernmental Service Agreements (IGSAs). Some contracts are between a locality and the U.S. Marshals, but ICE also participates in order to use local jail bed space for immigration.

**Why:** Contracting with ICE sends the message that local government is part of the immigration enforcement system. And frequently such contracts make it more difficult for immigrants to be released from custody, because they will be transferred directly to immigration detention within the local facility. While we can't control at the local level what ICE does, we can hold our local agencies accountable for their actions and ensure they are not facilitating the arrest-to-deportation pipeline.

#### HOBOKEN, NJ

Specifically, Hoboken, its employees and agents and its law enforcement agents and employees shall not...(e)nter into any contract, agreement, or arrangement to detain individuals in deportation proceedings, including but not limited to Intergovernmental Service Agreements.

#### CALIFORNIA STATE LAW

1. A city, county, city and county, or local law enforcement agency that does not, as of June 15, 2017, have a contract with the federal government or any federal agency to detain adult noncitizens for purposes of civil immigration custody, is prohibited from entering into a contract with the federal government or any federal agency, to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.
2. A city, county, city and county, or local law enforcement agency that, as of June 15, 2017, has an existing contract with the federal government or any federal agency to detain adult noncitizens for purposes of civil immigration custody, shall not renew or modify that contract in such a way as to expand the maximum number of contract beds that may be utilized to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.

\* These decisions can most easily be made by rejecting or terminating a specific contract, rather than enacting a law. But some sample statute or ordinance language is provided.

## 4. Terminate or ban private prison contracts

**What:** ICE may enter into contracts with private prison corporations to jail immigrants in civil proceedings. They may enter into a three-way contract with a county/city and private facility. Similar to the contracts discussed above, the county or city will then subcontract with the private corporation. In other instances, ICE may enter into the contract directly with the private corporation.

**Why:** Not only do these private contracts create the same problems described above, but when private prison corporations are involved in the jailing of people, they prioritize profits over human lives. From a moral and ethical stand point, we must end these contracts.

### CALIFORNIA STATE LAW

*When ICE contracts with a city or county and they subcontract with a private prison corporation*

1. A city, county, city and county, or local law enforcement agency that does not, as of January 1, 2018, have a contract with the federal government or any federal agency or a private corporation to house or detain noncitizens for purposes of civil immigration custody, shall not, on and after January 1, 2018, enter into a contract with the federal government or any federal agency or a private corporation, to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.
2. A city, county, city and county, or local law enforcement agency that, as of January 1, 2018, has an existing contract with the federal government or any federal agency or a private corporation to detain noncitizens for purposes of civil immigration custody, shall not, on and after January 1, 2018, renew or modify that contract in a manner that would expand the maximum number of contract beds that may be utilized to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.

### CALIFORNIA STATE LAW

*When ICE contracts directly with a private prison corporation*

Except as otherwise provided in this title, a person shall not operate a private detention facility within the state.

### COACHELLA, CA

Now, therefore, in accordance with California Government Code Section 65858, the City Council adopts a moratorium on the approval of new applications for land use entitlements and permits to construct or operate prisons, jails, correctional facilities, and detention facilities...

\* These decisions can most easily be made by rejecting or terminating a specific contract, rather than enacting a law. But some sample statute or ordinance language is provided.



# ADDITIONAL LOCAL POLICIES TO SUPPORT IMMIGRANTS IN YOUR COMMUNITY

The goal of this guide is to provide ideas and concrete examples of how advocates can come together and disrupt the arrest-to-deportation pipeline. In addition, there are other aspects of life where you can promote policies that expand benefits and enable immigrants to better participate in their communities. These policies include the expansion of local services to all residents regardless of immigration status, language access resources, funding representation for immigrants in removal proceedings, and many more.

**For more ideas and information, please see the following ILRC resources:**

- [\*Moving Texas Forward: Local Policies Towards Inclusive Justice\*](#)
- [\*Sanctuary for All: Effective Criminal Immigration Policy Fixes\*](#)
- [\*Local Options for Protecting Immigrants\*](#)

**Additional resources include:**

- Local Progress' [\*Policy Reforms Toolkit\*](#)
- Mijente's [\*What Makes a City a Sanctuary Now\*](#)
- United We Dream's [\*Here to Stay Toolkit\*](#)

