



The Case Against 287(g) Agreements

Background

Federal law provides authority for the Department of Homeland Security (DHS), which enforces federal immigration law, to enter into agreements with state or local law enforcement to deputize police as federal immigration agents. This authority went unused until spiking between 2006 and 2008, and began to decline after a series of problems arose (e.g. Sheriff Joe Arpaio abusing his 287(g) agreement to terrorize Latinos in Maricopa County, AZ). The Trump Administration, as part of its current crackdown on immigrant communities, has vowed to vastly expand these agreements, commonly referred to as “287(g) agreements,” without any indication that it will address the problems that have plagued the program. Based on the harms that result from these agreements, many organizations, including the ACLU, have called for the elimination of 287(g) agreements as costly and damaging to community trust. No jurisdiction should volunteer its police to do federal immigration work.

Currently, DHS only negotiates “jail agreements,” which allow local police to act like federal immigration agents within local jails. This results in local police questioning individuals in these jails about their immigration status, preparing documents to charge them for immigration violations, and ordering the continued detention of persons thought to be subject to deportation. As of May 5, 2017, there were 40 287(g) “Jail Agreements,” making them fairly rare, but Trump’s DHS has already secured more than 50 new applications.

Arguments Against 287(g) Agreements

- **Damaged trust between local law enforcement and local communities:** When local law enforcement engages in federal immigration enforcement, local communities believe the police are there *not* to protect and serve them, but instead to detain and deport them. The result is that crimes go unreported, and witnesses decline to step forward. There have been recent cases of domestic violence survivors dropping their cases for fear of immigration exposure. Having local law enforcement partner with DHS breaks the bonds needed to keep communities safe. No one should hesitate to call 911 for fear that they or their family will be deported.

The Major Cities Chiefs Association (MCCA), a group of police chiefs from the 64 largest police departments in the United States and Canada, concluded that “without assurances that contact with the police would not result in purely civil immigration enforcement action, the hard won trust, communication and cooperation from the immigrant community would disappear.”

- **Diversion of time and resources from public safety mission:** While officers are occupied enforcing federal immigration law (in other words, doing someone else’s job), they neglect their traditional policing responsibilities. This imposes a public safety cost on local communities. Further, because local law enforcement agencies are responsible for personnel expenses (including salaries and overtime) for these officers, 287(g) agreements also impose a financial cost on local communities.
- **Racial profiling and discriminatory policing:** Because local law enforcement is not trained in federal immigration law, these agreements often lead to discrimination and racial profiling. Local police often rely on impermissible factors like ability to speak English or appearance. The ACLU and other organizations have documented extensive 287(g) abuses of this type.