

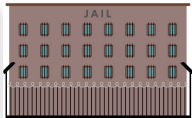
# THE ROLE OF SHERIFFS AND THE ARREST-TO-DEPORTATION PIPELINE

The Sheriff is the top-ranking law enforcement officer in a county police force. Unlike the police chief of a city or municipality, the sheriff is an elected official. Sheriffs usually run the county jail, which gives Immigration Customs and Enforcement (ICE) access to the individuals who are detained there. Sheriffs have wide discretion in how much they cooperate with ICE, from how they engage in policing to whether they join immigration raids, and most importantly whether they work with ICE to transfer people into immigration detention. Sheriffs play a critical role in ending the arrest-to-deportation pipeline.

## WHAT POWER DOES A SHERIFF HAVE?



**SET LAW ENFORCEMENT PRIORITIES:** Sheriffs set law enforcement priorities and policies for the sheriff's department. For example, sheriffs can determine what programs may be available for people in custody, whether a jail will hold people on ICE detainers who would otherwise be released, and what information about jail and department operations will be made public.



**OVERSEE AND OPERATE LOCAL JAILS:** Sheriffs oversee and operate local jails, including maintaining jail conditions, such as visitation hours and requirements, phone services, and access by other agencies.<sup>1</sup>



**MAKE ARRESTS UNDER STATE AND LOCAL LAWS:** Sheriffs make arrests under state and local criminal laws, usually in unincorporated areas of the county that do not have their own municipal police force. Sheriff departments make approximately a fifth of all arrests in the country. Additionally, some sheriff deputies operate in schools as "School Resource Officers." Most sheriff departments also carry out evictions and serve process (deliver notice of lawsuits) on people who have been sued.

For more information about the powers of sheriffs across the country, see:

<https://transformgeorgia.org/> and <https://theappeal.org/the-power-of-sheriffs-an-explainer/>

## HOW DO SHERIFF DEPARTMENTS INTERACT WITH ICE?

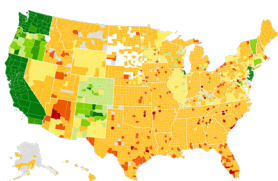
- » Most sheriffs work closely with ICE. Many will go out of their way help ICE determine which people in the sheriff's custody might be undocumented or otherwise subject to deportation, and to transfer those people directly to ICE custody.
  - Sheriffs regularly share booking lists with ICE, so that ICE gets information on every person coming into the jail. Sheriffs routinely



<sup>1</sup> In most instances, sheriffs do not have the power to release someone in their custody without an order from a judge or a notice from a prosecutor that they will not be filing charges. Depending on state law, sheriffs may be able to independently release someone who has not yet been charged. See this chart for more details: <https://t.co/ky6Jv0CDr1?amp=1>.

collect information on the place of birth, citizenship, and/or immigration status and share this with ICE. All fingerprints they collect at booking will be automatically shared with ICE through the federal Secure Communities program.

- Sheriffs allow federal immigration officials to use their facilities to interrogate people about their immigration status and history. This helps ICE get evidence to deport people.
  - Many sheriffs honor ICE detainers, which are requests from ICE to sheriffs to help transfer someone to immigration detention, often by holding them after they should be released to give ICE time to arrive and take custody. Even if they do not hold people extra time, many sheriffs often ensure that ICE knows people's release dates so that agents can be there at the time of release to take the person to into immigration custody.
- » Some sheriffs enter agreements with ICE, such as 287(g) agreements, that empower local deputies to act as immigration agents in the local jail. Under these agreements, sheriffs officers will conduct the immigration interrogations and issue detainers themselves.
- » Some sheriffs rent beds in the jail to ICE to detain people who are facing deportation proceedings. There are varying forms of these contracts; some only allow a person to be held for a couple days before transfer to longer term immigration detention, while others allow the sheriff to hold ICE detainees indefinitely. ICE pays sheriffs to rent these jail beds, and sheriffs often rely on that money to run the jail or to finance jail expansions. Sheriffs play a critical role in ending the arrest-to-deportation pipeline.



For initial information about some of your sheriff's policies on engaging with ICE, see: [www.ilrc.org/local-enforcement-map](http://www.ilrc.org/local-enforcement-map)

## COMMUNITY DEMANDS FOR SHERIFFS

- » **Separating all department operations from federal immigration enforcement:**
- Terminating any existing agreements with ICE, including 287(g) agreements and renting beds for immigration detention under Intergovernmental Service Agreements (IGSAs)
  - Refusing to hold noncitizens for extra time in order for ICE to take custody
  - Prohibiting any information and record sharing with ICE, including personal information about inmates and release dates, and not providing ICE with access to internal databases
  - Enforcing a policy against asking individuals their citizenship or immigration status, and removing citizenship status and place of birth questions from intake and booking forms
  - Refusing to give ICE access to a jail without a judicial warrant
  - Prohibiting giving any type of support for federal immigration enforcement actions, such as ICE raids and arrests
  - Advising noncitizens of their rights before ICE and providing a copy of all relevant documents, such as ICE detainer requests
  - Not contacting ICE or CBP officers to act as interpreters





» **Reducing arrests and jail bookings:**

- Stopping jail expansions and closing jails
- Decriminalizing low-level offenses by establishing a policy that reduces enforcement and arrests for such offenses
- Implementing “cite and release” and other diversion policies to reduce arrests and prosecutions for low-level offenses
- Using discretionary powers to release people from custody
- Working with health officials and other local agencies to build an emergency response system not centered on criminal law enforcement
- Ensuring that detention conditions are the least restrictive as possible and that all people in custody are treated fairly and with dignity
- Requiring written consent for vehicle searches and extricating the sheriffs' department from traffic enforcement

» **Community accountability:**

- Ensuring transparency by publicizing budgets, anonymized arrest and booking data, and jail population information
- Establishing and publicizing strict guidelines against racial profiling
- Ensuring that the department has adequate interpretation capabilities
- Providing legal resources for immigrants, such as a list of immigration legal service providers and “know your rights” information
- Meeting with community members and advocates to hear and address their concerns
- Proactively pursuing policies that advance immigrant rights and ensure all people feel safe and are treated with dignity, regardless of immigration status

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