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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 26-S 2967 and 29-S 3116, RELATING TO RESTRICTIONS ON STATE AND MUNICIPAL COOPERATION WITH CIVIL IMMIGRATION ENFORCEMENT May 5, 2026

The ACLU of Rhode Island strongly supports these bills, which would bar state and local police from voluntarily agreeing to participate in federal civil immigration enforcement absent a judicial warrant or court order. The legislation would also importantly restrict a law enforcement agency's ability to detain an individual or extend their detention beyond the time they would be released based solely on a civil immigration detainer or administrative warrant.

Among other things, the bills would prohibit state agencies and departments from entering into an agreement under 8 U.S.C. §1357(g). The most common of these agreements is known as a §287(g) agreement. A 287(g) agreement is an agreement between the federal government, through Immigration and Customs Enforcement (ICE), and state or local law enforcement agencies. This agreement deputizes and authorizes the local law enforcement agency to act as federal immigration enforcement, which does not normally fall within the scope of local policing authority. As it currently stands, Rhode Island is one of seven states that does not have active or pending agreements, but it also does not have laws prohibiting those agreements. Nine states, including Connecticut, have laws prohibiting these agreements.¹

These agreements have numerous negative impacts beyond deputizing local officers for federal purposes. A recent report from the national ACLU found that in areas where there are active 287(g) agreements, police are not performing targeted enforcement but instead are racially profiling in traffic stops to perform a "show me your papers"-style immigration enforcement.² Further, when immigrant communities fear that routine interactions with police may in fact be an interaction with ICE, they may be less likely to report crimes, cooperate with investigations, or seek redress in courts.

Additionally, the bills commendably codify the principle that the arrest or detention of an individual cannot be based solely on an immigration detainer or administrative warrant. An immigration detainer is a written request that local law enforcement detain an individual for 48 hours after they would otherwise be released. These are often used to provide additional time to examine an individual's immigration status without a judicial warrant supported by probable cause. This practice was ruled unconstitutional in Rhode Island almost a decade ago, so codifying this prohibition should not be controversial. *Morales v. Chadbourne*, 235 F.Supp.3d 388 (2017).

Thank you for considering our views.

¹ The most recent ICE heat map does not reflect the passage of laws prohibiting these agreements in Delaware, Maryland, and New Mexico. See: <https://www.ice.gov/node/67897>

² <https://www.aclu-md.org/publications/deputized-for-disaster/>