

LOCAL DETAINER ORDINANCES: AN OVERVIEW

Santa Clara, California

The details:

- Santa Clara County will not enforce *any* immigration detainers without a written agreement from the federal government promising to pay the full cost of the detainer.
- Because the federal government has offered no such agreement, Santa Clara is currently not enforcing any immigration detainers.
- If the federal government does agree to pay the full cost of immigration detainers, Santa Clara will enforce a detainer only for adults who have been convicted of a serious or violent felony.

What People are Saying:

“What this policy does is ensure that everyone in our system is treated equally. United States citizens charged with crimes are released on bail every day. There is no justifiable reason to treat people's criminal cases differently just because they are suspected of having civil immigration issues. The county has no authority to enforce civil immigration laws. Immigration enforcement is ICE's job.”

-- Bill Sponsor, Supervisor Shirakawa

Cook County, Illinois

The details:

- Cook County will not enforce *any* immigration detainers without a written agreement from the federal government promising to pay the full cost of the detainer.
- Because the federal government has offered no such agreement, Cook County is currently not enforcing any immigration detainers.

What People are Saying:

“In America, we don't detain people without probable cause . . . But these detainers are not based on probable cause and they have been imposed on US citizens, including veterans, by mistake. . . . This Ordinance . . . provides a simple, clear rule that would be easy to implement, and it eliminates any potential risk of liability to the County that would arise from continuing to comply with ICE detainer requests. ”

-- Bill sponsor, Commissioner Jesus Garcia

Washington, DC*

The details:

- Washington, DC will not enforce *any* immigration detainers without a written agreement from the federal government promising to pay the full cost of the detainer.
- Because the federal government has offered no such agreement, Washington DC will not enforce any immigration detainers.
- If the federal government does agree to pay the full cost of immigration detainers, Washington, DC will enforce a detainer only for adults who have been convicted of a dangerous or violent crime.

What People are Saying:

"What we are saying in this legislation is we want to maintain the bright line between what federal immigration officials do and what our local department does. We have worked for years to ensure that there is such a bright line."

-- Bill Sponsor, Councilmember Graham

* This bill was introduced on Nov. 15, 2011 with unanimous support from all 13 Councilmembers. The Council has not yet voted on the bill.

And Around the Country . . .

Detainer ordinances are being considered in many more cities throughout the country.¹

¹ The full text of the ordinances described here is available at www.altopolimigra.com/detainers