

**ACLU  
RESEARCH  
REPORT**



# Deputized for Disaster

**How President Trump's 287(g)  
Deportation Force is a Powder Keg  
for our Communities**

**ACLU**

# Acknowledgments

**The report is a product of the American Civil Liberties Union (ACLU). The principal author is Naureen Shah, Director of Policy and Government Affairs for Immigration at the National Political Advocacy Department (NPAD). Researchers were Mary Sadallah, Legislative Assistant at NPAD and Lizzy Schick, Lead Analyst at ACLU Technology.**

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# Executive Summary

## **It was planting season in Florida, and the Florida Highway Patrol was looking for farm workers to deport.**

On a November day in 2025, the Florida Highway Patrol pulled over a bus operated by the Pacific Tomato Growers, a local, family-owned company in the Immokalee region of Florida. Inside the bus were people who had long labored in Florida fields, harvesting tomatoes and other produce to be sold to American fast-food chains and grocery stores. On this day, as they had many times before, Florida law enforcement agents stopped the bus, set up a traffic perimeter, and boarded. They asked the workers to show their papers.

Such scenes have played out again and again in recent months. In parts of the nation, “show me your papers” has increasingly become the mantra of state and local police officers who are working for, and often alongside, U.S. Immigration and Customs and Enforcement (ICE) and other federal agents.

On this day, as it too often has, violence resulted from an immigration enforcement operation deep in the interior of the country. Parents had called their children asking them to bring legal documents that would help prevent their sudden deportation. Word spread on social media, and family members drove to the scene, bracing for possible separation.

An ACLU of Florida-trained legal observer arrived and began recording the scene. She found Florida law enforcement alongside ICE and Florida National Guard personnel who joined the operation. Video shows the situation escalating. The ACLU of Florida legal observer, whom we will call Matilda (not her real name), saw family members shoved, beaten, and tased by law enforcement officers.

Matilda watched as Florida Highway Patrol pulled a man from his car and threw him to the ground.

She stood about fifty feet from the chaos, documenting and observing — and then a Florida law enforcement officer screamed and charged toward her. “I am a person who is under 140 pounds and 5 foot 3 and was being charged by a male who was about six feet and over 250 pounds,” she recounted.

Since that day, Matilda has received frantic texts from more community members than she can count. She has observed numerous abuses at the hands of Florida Highway Patrol, local police, and federal agents, often working in collusion, in operations spreading beyond Immokalee and into neighboring communities. Most of the victims are too afraid to come forward, she told us.

Matilda is afraid, too. Florida law enforcement, aping the demeanor of ICE and Border Patrol, have screamed at her and her fellow observers as they record and document horrors unfolding in their community, threatening them with arrest. Once, her husband had to push her out of the way as a Florida Highway Patrol car nearly ran them over.

Matilda is well-aware of the dangers she and other legal observers face, particularly after federal agents shot and killed Renee Good and Alex Pretti in Minneapolis. “I’m Catholic so I do the sign of the cross and I ask for protection,” she said. “I know I’m not going to cause violence, I’m going to observe, and at this point that could result in me not being alive.”

While in recent months the nation’s attention has rightly focused on the violence and abuse perpetrated by ICE and Border Patrol agents in places like Minneapolis, in Florida and around the country, communities are experiencing another kind of terror: Their own law enforcement agencies, working hand in glove with the Trump administration, are the perpetrators of blatant racial profiling, harassment, and even violence. Now, the communities that state

and local police are sworn to serve and protect increasingly live in fear of them — and the reckless, indiscriminate deportation force that has absorbed them.

Florida is one of several states that has redeployed its law enforcement officers to support the Trump administration’s deportations through the 287(g) program. The program, which draws its name from the section of the Immigration and Nationality Act that authorizes it, allows ICE to train and use officers from state and local law enforcement agencies, usually to assist in identifying people for arrest and potential deportation.<sup>1</sup> While 287(g) is one of many such programs that interweave local and federal immigration enforcement, it has long been the most controversial.

## Report Purpose & Methods

In November 2025, the ACLU initiated a review of all reports of conduct by 287(g)-participating state and local law enforcement agencies since the start of the second Trump administration on January 20, 2025. This report is the first in-depth and comprehensive review of the nature and impact of the second Trump administration’s unprecedented expansion of the 287(g) program. It builds on prior ACLU research and advocacy, including a 2022 report, *License to Abuse*, on the 287(g) program during the first Trump administration.<sup>2</sup>

## Key Findings

### Supersizing the Deportation Force

Through a close review of the Trump administration’s actions and activities of 287(g)-participating state and local agencies, we found that ICE expanded its enlistment of state and local law enforcement to a degree and in a manner never before seen in our nation’s history — and with chilling impacts:

- The 287(g) program has massively expanded during the second Trump administration, with

at least 77.2 million people — 32 percent of the country — now living in a county with a local law enforcement agency that has enlisted in ICE’s program.

- The administration is using state and local police to conduct “show me your papers,” dragnet-style immigration enforcement in an increasing number of American communities, with the goal of not only directly arresting and deporting more people, but with the effect of making day-to-day life so dangerous, that millions more people leave the country out of fear and anxiety.
- In parts of the country, the federal government is draining law enforcement’s resources and diverting them from handling local public safety matters to finding and arresting people to deport.
- State and local police are deliberately planning traffic stops and checkpoints, stopping drivers based on their skin color or the language they speak, to find people who they believe may be noncitizens, as they act in collusion with federal agents who are present or nearby. They are blatantly misusing local traffic offense laws, staff, and resources for the purpose of feeding immigration enforcement rather than furthering public safety.

### Blurring Lines and Building an Abusive National Deportation Force

By drawing in thousands of state and local law enforcement officers — and even paying their salaries and bonuses — through the 287(g) program, the administration is concentrating federal and executive power and expanding its ability to act on its ambitions. This poses a danger to civil rights, democratic accountability, and our communities. **We found:**

- Putting state and local police under the effective command of ICE and Border Patrol agents who are operating in frequent violation of the law has already proven to be a recipe for civil rights violations.

- In ICE-led operations, abusive tactics — including excessive use of force and racial profiling — spread from federal agents to local police as the lines of responsibility blur and threaten accountability.
- Florida appears to have devoted more state and local law enforcement resources to immigration enforcement than any other state, resulting in numerous cases of harassment and profiling of U.S. citizens and noncitizens alike, a climate of extreme fear in communities, and reports of serious civil rights violations.

### Changes on the Horizon

While the expansion of the 287(g) program has already resulted in abuses described above, the administration has also set in motion plans and changes that we have yet to see come to fruition, which likewise pose serious dangers — including use of the National Guard for immigration enforcement, local law enforcement’s use of face recognition technology, and misuse of local police to help detain and deport immigrant children.

No prior administration has used the 287(g) program in the ways documented and forecasted in this report — likely because they go far beyond what Congress envisioned when it authorized the program decades ago. The Trump administration is flouting limits set out in federal law.

### A Powder Keg: The Escalating Risks of 287(g) Participation to State and Local Law Enforcement

State and local elected officials contemplating participation in the program should know that it is a powder keg for communities. Indeed, it has never been more dangerous for state and local law enforcement to join the 287(g) program. **We found:**

- State and local law enforcement that participate in federal immigration enforcement are increasingly embroiled in what has become a reckless, abuse-riddled enforcement spree by

federal agents — leading to serious risk of lawsuits that could cost municipalities millions in damages.

- Local law enforcement involvement with abusive federal agents is causing significant damage to community-police relations, undermining public safety. Many community members fear that local police are among the masked, militarized deportation agents that are forcing people into unmarked cars, leading to broad distrust and avoidance of law enforcement.
- The vast majority of civil immigration arrests bear no relationship to serious crimes affecting American communities; the only legal violation of the people arrested is for their immigration status. Meanwhile, dragnet-style federal immigration enforcement is diverting resources from law enforcement priorities related to drugs and human trafficking — and sapping local police staff time and resources. Many law enforcement leaders across the country are declining to join the program.

### Key Recommendations

While the Trump administration and its allies in state government have succeeded in vastly expanding the scope, size, and potential damage of the 287(g) program, the last year has also seen numerous examples of state and local officials reconsidering, resisting, and reversing 287(g) agreements and collusion with federal immigration enforcement. Maryland, New Mexico, Delaware and Maine passed legislation prohibiting participation in the program, while the newly elected governor of Virginia directed state agencies to end their participation.

State and local governments should be emboldened by this growing, nationwide firewall against collusion in the Trump administration’s reckless and violent immigration enforcement. They should prohibit their agencies from joining this program to avoid a broad range of harms documented in this report, and to avoid the risk of costly lawsuits they will spend months if not years defending against.

Where banning or ending participation in the 287(g) program outright is not possible, officials should pursue common-sense, good governance measures, including:

- Conducting legal liability and insurance assessments, financial impact evaluations, staff and resource impact assessments, and other studies;
- Limiting involvement in the program, particularly the Task Force Model, including limiting the number of officers who are deputized and the types of situations in which they will take part; and

- Requiring supervisory pre-approval for actions in response to federal agents' requests for assistance.

We have long called on Congress to pursue legislation to end the 287(g) program.<sup>3</sup> In the immediate term, members of Congress should conduct oversight of racial profiling and other civil rights violations resulting from the administration's expansion of the 287(g) program. In the coming years, Congress should claw back federal funding for state and local immigration enforcement in the One Big Beautiful Bill Act, which the Trump administration has used to divert state and local law enforcement from their public safety missions.

## Supersizing The Deportation Force — Through 287(g)

Through the 287(g) program, the second Trump administration is amassing a deportation force unprecedented in size. By adding state and local police to its force, the administration is increasing its capacity to arrest, transport, and detain — furthering its ambition to deport millions of people. By using local police to conduct “show me your papers,” dragnet-style immigration enforcement in an increasing number of American communities, the administration is pursuing a chilling agenda: to make day-to-day life so dangerous that millions more people leave the country out of fear and anxiety.

### Growth of 287(g): By the Numbers

**At least 77.2 million people — 32 percent of the country — now live in a county with a local law enforcement agency that has enlisted in ICE's 287(g) program.** That includes all 21.9 million people living in Florida, where there is at least one agreement with a sheriff in every county, and nearly 62 percent of all people in Texas — or 18.3 million people — where 176 of 254 counties have a sheriff with an active agreement.<sup>4</sup>

At the start of President Trump’s second term, there were 133 state and local agencies enlisted in the program. Since then, ICE has signed an additional 1,079 agencies to the program — with some agencies signing multiple agreements, delegating authority under three forms of the program.<sup>5</sup>

In September 2025, the Department of Homeland Security (DHS) said it had trained or was in the process of training more than 10,000 participating state and local officers through one particular model of the program.<sup>6</sup> The state of Florida has reported that “Florida’s approximately 47,000 law enforcement officers at all levels have already received, or are in the process of obtaining, training and certification to act as cross-designated immigration officers.”<sup>7</sup> According to one federal official, the Trump administration’s aim is to enlist at least 20,000 state and local law enforcement officers.<sup>8</sup>

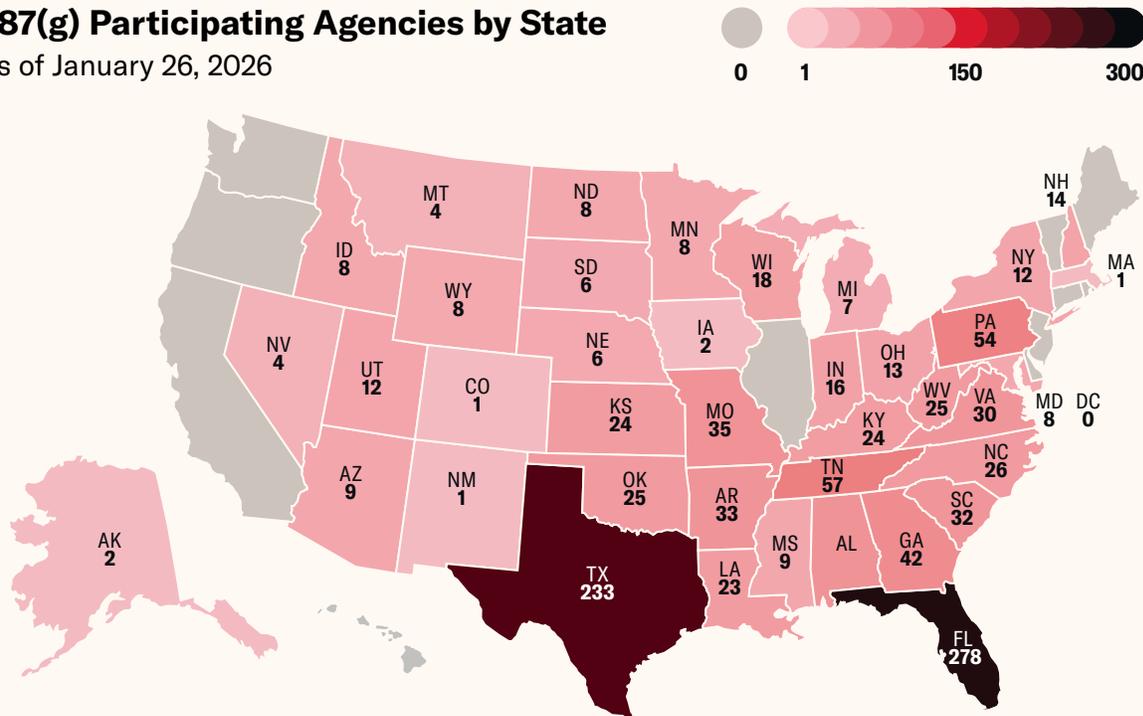
In our nation’s history, we have never had a deportation force of this size operating in the interior of the country. In comparison, ICE Enforcement and

Removal Operations (ERO), which is charged with interior immigration enforcement, until recently had 6,050 law enforcement officers.<sup>9</sup> In 2025, a hiring spree resulted in 12,000 new officers and agents in ICE ERO and ICE Homeland Security Investigations, bringing the total to 25,150.<sup>10</sup> If the administration succeeds in its aims, the 287(g) program will mean an 80 percent increase in ICE’s already expanded capacity.

However, ICE’s data, which is incomplete and contains inaccuracies, suggests that we have yet to see the full impact of the administration’s enlargement of the 287(g) program.<sup>11</sup> ICE arrest data from the Deportation Data Project analyzed by the ACLU shows that the 287(g) program accounted for 6,905 immigration arrests in the first nine and a half months of the second Trump administration. That is just 3 percent of the over 220,000 immigration arrests in that period. Of those arrests, nearly 43 percent took place in Florida, where the 287(g) program accounted for 14 percent of overall reported immigration arrests in the state.

## 287(g) Participating Agencies by State

As of January 26, 2026



Source: U.S. Immigration and Customs Enforcement, <https://www.ice.gov/identify-and-arrest/287g>, accessed January 26, 2026.

During previous administrations, the 287(g) program never approached anywhere near this size or scale. Law enforcement agencies first joined the program in the early 2000s, in the aftermath of the September 11, 2001 attacks. ICE described these enlistments as narrowly focused — initially aimed at combating terrorism and later on criminal organizations and border security.<sup>12</sup> The first Trump administration grew the program from 32 agencies to more than 150, tapping 730 state and local officers nationwide.<sup>13</sup> At the same time, police chiefs and urban-area law enforcement agencies fled the program — many were convinced it undermined public safety — and some sheriffs campaigned for election on a promise to end their agency’s participation.<sup>14</sup> The Biden administration did not expand the program — it sat on new applications from Florida law enforcement agencies — but nor did it reform it.<sup>15</sup>

## How 287(g) Supersized

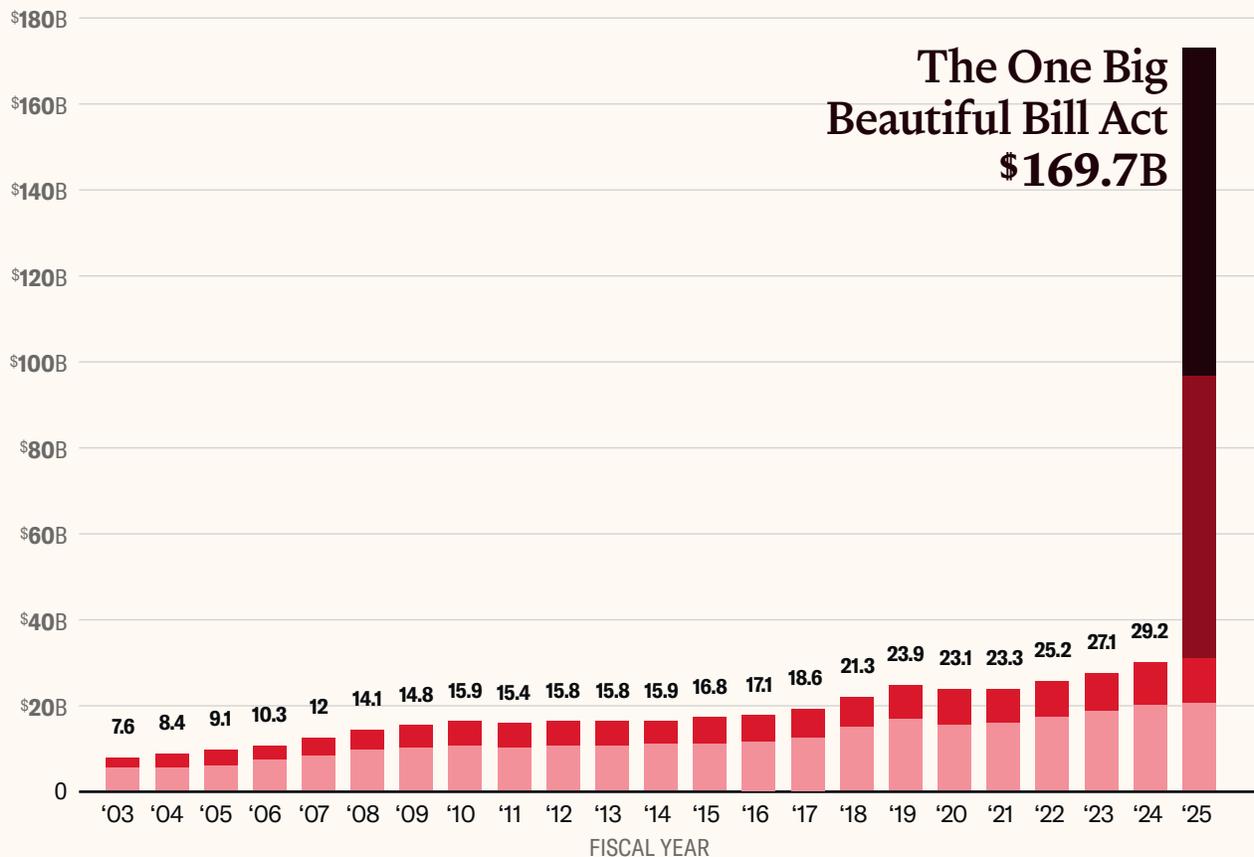
In February 2025, President Trump issued an executive order directing DHS to maximize its use of state and local law enforcement agencies through 287(g).<sup>16</sup> In September 2025, DHS announced a financial incentive scheme for state and local enforcement agencies, pledging to reimburse full annual salaries for officers and quarterly “performance awards based on the successful location of aliens unlawfully present in our country and the overall assistance provided to support ICE’s mission to defend the homeland.”<sup>17</sup> The administration is now offering every 287(g) officer up to \$7,500 for equipment, and agencies could receive up to \$100,000 to purchase new vehicles.<sup>18</sup>

By paying state and local law enforcement to participate in the 287(g) program, ICE is essentially using federal taxpayer money to redirect state and local agencies from local missions to the Trump administration’s deportation agenda.

DHS has said that funding for this scheme comes from the One Big Beautiful Act, enacted in July 2025.<sup>19</sup> Overall, the One Big Beautiful Act appropriated \$170 billion for immigration and border enforcement — dwarfing any prior budgetary allocation for immigration enforcement, and giving federal immigration enforcement agencies a larger budget than many nations’ armies — and \$14 billion in federal funding for state and local immigration enforcement.<sup>20</sup>

Funded to the hilt, ICE is now recruiting law enforcement agencies by offering millions in funding. According to the Dallas Police Department, ICE offered it \$25 million to join 287(g) if it detained 50 people a day — a financially based quota.<sup>21</sup> ICE gave \$38 million to Florida law enforcement agencies in September 2025.<sup>22</sup> In October 2025, the Florida Department of Highway Safety and Motor Vehicles received \$13.6 million in federal tax dollars to participate.<sup>23</sup>

ICE’s webpage promises state and local law enforcement the use of unspecified “free resources.”<sup>24</sup> As detailed in this report, this funding is a trap for agencies, which will be drawn into racial profiling and other abuses that put them at risk of costly lawsuits. Local agencies that rely on this federal funding, especially staff salaries and reimbursements, are vulnerable to losing that funding in the coming years, particularly because it arose from a one-time bill rather than annual agency appropriations.



**OBBBA in Context:**

# Historical ICE and CBP Funding<sup>25</sup>

**The One Big Beautiful Bill Act’s funding for immigration enforcement is without parallel in our nation’s history.**

In comparison, in the aftermath of the September 11, 2001 attacks that led to the formation of the Department of Homeland Security in 2003, Congress appropriated approximately \$7.68 billion to ICE and CBP<sup>26</sup> – at the time, that amount was considered astronomical, making them the largest law enforcement agencies in the country.

Fiscal year amounts are total annual discretionary appropriations. This does not include rescissions, offsetting collections, fees, mandatory spending, or trust funds. Funds provided through OBBBA in July 2025 are available until Sept. 30, 2029. In addition to funds specifically appropriated for CBP and ICE, OBBBA made \$22B in funding available to the Office of the DHS Secretary, to be used for various immigration enforcement purposes. Sources: CRS reports for FY2004 - FY2026.

**Additional OBBA Funding**

- ICE
- CBP

**Fiscal Year Funding**

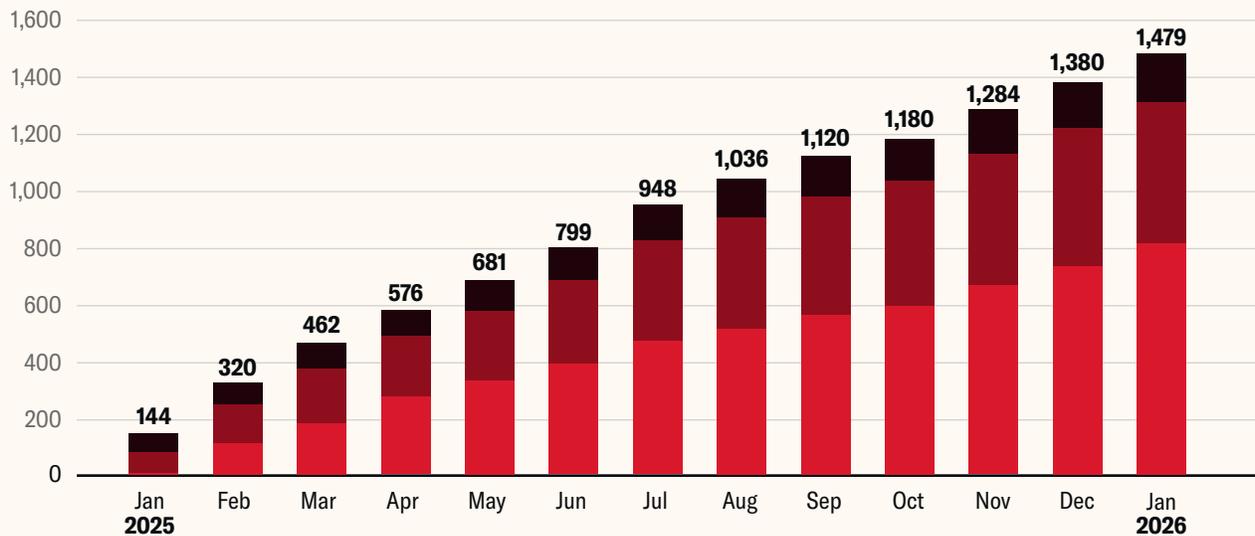
- ICE
- CBP

## Increase in 287(g) Agreements Under the Second Trump Administration

As of January 26, 2026

● Task Force Model    
 ● Warrant Service Officer    
 ● Jail Enforcement Model

Source: U.S. Immigration and Customs Enforcement, <https://www.ice.gov/identify-and-arrest/287g>, accessed via Internet Archive from January 2025 to January 2026.



### State-Level Pressure to Join 287(g)

Legislatures in Arkansas, Florida, Texas, and Georgia have mandated that some or most of their law enforcement agencies join the 287(g) program.<sup>27</sup> In Louisiana, the governor issued an order directing state agencies to enter the 287(g) program.<sup>28</sup> In 2025, the South Carolina attorney general wrote the state’s sheriffs encouraging participation, and the program grew by five times.<sup>29</sup> In some cases, state officials have pressured local law enforcement to join the program over the better judgment of local officials about the best use of their resources.<sup>30</sup>

In some states, these directives are accompanied — for now — by a promise of state funding.

#### For example:

- The Florida legislature diverted \$250 million in 2025 to support immigration enforcement, and a new State Board of Immigration Enforcement gave local agencies more than \$14 million in reimbursements and grants for equipment such

as handcuffs and leg irons, ballistic helmets, high-volume pepper spray, license-plate readers, and Rapid ID devices — with agencies required to use these for immigration enforcement.<sup>31</sup>

- In 2025, Tennessee created the Centralized Immigration Enforcement Division to establish a “whole-of-state-government approach to immigration enforcement” and pledged to offer \$5 million in grants as well as “technical assistance and training to help local agencies implement 287(g)” and related coordination.<sup>32</sup>
- The Idaho State Police has been authorized to spend up to \$300,000 from the governor’s emergency fund to transport undocumented people to ICE detention facilities.<sup>33</sup>
- Texas created a state grant program of \$20 million to offset the costs of now-mandated participation in the 287(g) program for nearly all sheriffs; critics say the funding will cover only a small portion of costs.<sup>34</sup>

## Draining Local Resources — For Racial Profiling and Civil Rights Violations

While state and local law enforcement may be gaining equipment and reimbursement for salaries and other expenses, they are also being drained of personnel and time that would otherwise be devoted to local public safety priorities as their work shifts to colluding in dragnet immigration enforcement. Increasingly, routine police interactions have become sites of immigration enforcement and racial profiling.<sup>35</sup>

### How Routine Stops Become Sites for Immigration Enforcement

Participating police departments funnel people into immigration detention and deportation after stopping them for minor traffic offenses such as broken taillights or running a red light.<sup>36</sup> When individuals are booked into local criminal custody, it is often for the traffic offense of driving without a license; in many states, this carries a fine, but for noncitizens it can also lead to deportation.<sup>37</sup>

#### Examples include:

- In July 2025, local police in Florida arrested a woman for walking her dog in an area of the beach where dog walking was prohibited. During her arrest, local police contacted ICE. “I’d much rather put drug dealers in jail, but I have no choice,” a local officer is heard saying on a body camera footage. The woman spent the night in a local jail, but ICE ultimately failed to pick her up.<sup>38</sup>
- In another Florida example, when a local police officer stopped a 22-year-old cancer patient on her way home from the hospital for speeding, the officer also requested identification from her father, who was a passenger in the car. The local officer is heard on body camera footage saying, “I’ve got one illegal.” Minutes later, Border Patrol agents arrived to arrest the woman’s father — a 30-year resident of the country who worked

as a fern cutter to support his seven children, six of whom were born in Florida. “I’m going through leukemia, cancer, and I just got diagnosed with Crohn’s disease,” the woman told local news in September 2025. “I need two hips replaced, and my father is my driver, you know, the one I lean on, the one for everything.”<sup>39</sup>

- In the small town of Troy, New Hampshire, local police reported making 13 immigration arrests, mostly arising from traffic stops in 2025. In one case, a 23-year-old man who was a passenger in a car en route to Massachusetts was arrested after the car was pulled over for alleged speeding. According to the man’s lawyer, he had deferred action status and a valid work permit and had been in a years-long process to obtain permanent residency.<sup>40</sup>
- In Fairfield, Ohio, local police stopped a woman allegedly for a traffic violation, with an officer saying, “We have probable cause that you are here illegally ... so right now you need to get out of the vehicle,” before forcibly removing her from the car. An officer reportedly wearing a Bureau of Alcohol, Tobacco and Firearms vest attempted to stop a passenger from filming their conduct.<sup>41</sup>
- In Hoschton, Georgia, local police began conducting traffic stops with ICE “shadowing” their officers, resulting in local police delivering people to ICE officers after stopping them for traffic violations, such as a malfunctioning tail light.<sup>42</sup>

### “Show Me Your Papers” Policing by Local Law Enforcement Proliferates

For states enthusiastically redeploying law enforcement to deportations, the goal, as a conservative Texas think tank put it, is that “[e]very traffic stop, every routine police interaction becomes an opportunity to identify those here illegally.”<sup>43</sup> (Indeed, Texas now leads the country in immigration arrests — with one in four immigration arrests occurring in the state during the first seven months of the second Trump administration.)<sup>44</sup>

During the Obama years, local police interrogated people about their immigration status during routine traffic stops under the 287(g) program's street-level enforcement model, known as the Task Force Model. The Obama administration eventually abandoned this model, following Department of Justice investigations and other studies showing it resulted in racial profiling; local police had been stopping individuals under the pretext of traffic enforcement for the actual purpose of immigration enforcement.<sup>45</sup>

The second Trump administration resurrected the Task Force Model in January 2025, growing it at an exponential pace. It is now that largest of the three models of the 287(g) program, with 764 agencies now participating.<sup>46</sup> The administration is effectively bribing agencies to sign up — offering to pay annual officer salaries and bonuses “based on the successful location of illegal aliens.”<sup>47</sup>

One way the Task Force Model operates is by allowing local police engaged in traffic stops to also check an individual's immigration status, as described above. In recent months, however, this practice has expanded to using deliberately planned traffic stops and checkpoints to locate noncitizens — creating a “show me your papers” environment that harkens to some of the worst periods of our nation's history, when African and Black slaves and Native Americans were required to show passes and other forms of identification whenever they traveled.

### ***Premeditated Misuse of Traffic Laws for “Show Me Your Papers” Policing***

State and local police are increasingly planning traffic stops and checkpoints in collusion with ICE to find people who they believe may be noncitizens. They are blatantly misusing traffic offense laws, staff, and resources for the purpose of feeding immigration enforcement — rather than furthering public safety.

In Florida, state and local law enforcement are planning traffic enforcement operations with Border Patrol and ICE. In October 2025, Florida reported 2,020 traffic stops resulting from a multi-agency “immigration enforcement operation”

described as being “led by the Florida Highway Patrol in coordination with county, state and federal partners.”<sup>48</sup> It described “more than 4,900” Florida Highway Patrol immigration arrests over seven months in 2025.<sup>49</sup> (Such government data is dependent on accurate tracking by law enforcement agencies, which have discretion in labeling arrests as related to immigration enforcement and may be tacking data entry onto their primary job functions.)

Florida Highway Patrol officers are also using commercial vehicle inspections as a pretext for immigration stops — in some cases coordinating with Border Patrol agents who travel together with troopers — to pull over landscaping trucks and vehicles carrying food, in what local advocates call “occupation profiling” of workers.<sup>50</sup> The agency conducted these inspections 93 times in 2025, compared to 39 times in 2024.<sup>51</sup> Local news reported several cases where individuals were stopped in landscape trucks and vans on the pretext of violating commercial vehicles rules, resulting in their deportation.<sup>52</sup>

The misuse of traffic offense laws and authority is at times blatant. The Wall Street Journal recorded a pre-deployment meeting including local officers, “helicopter support,” and federal officers from ICE and Border Patrol, during which a local officer directed his staff to “[l]ook for those vehicles that could possibly have a large amount of illegals in that vehicle, stop those cars ... for good violations, traffic violations.” When local officers later stopped an individual for towing a trailer that was missing its license plate, ICE agents were “on hand with laptops connected to federal databases.”<sup>53</sup>

### **Outside of Florida, other examples include:**

- Records obtained by the ACLU of Maine reveal several cases of local police holding people roadside for hours until ICE or Border Patrol arrive, during stops ostensibly for routine traffic violations.<sup>54</sup>

- In Indiana, an ICE partnership with the Indiana state police resulted in more than 220 immigration arrests on northwest Indiana highways in an operation ICE described as aiming “to clear the state’s roadway of illegal aliens who create safety risks.”<sup>55</sup> In July 2025, the Avon, Indiana police planned a “traffic blitz” with ICE; local police stopped 52 cars and ICE made 20 immigration arrests during a three-hour morning operation.<sup>56</sup>
- In May 2025, Tennessee Highway Patrol reportedly “sent a surge of cruisers along the streets of south Nashville, pulling over drivers as ICE agents in unmarked vehicles with flashing lights waited next to them.”<sup>57</sup>
- South Carolina state law enforcement agencies provided at least two state troopers to conduct traffic stops for a two-day ICE enforcement operation in Charleston County, where a witness described state law enforcement seeming to pull over “exclusively Latino-appearing drivers.”<sup>58</sup>

### Driving While Black or Brown — Down A Highway

Highways have increasingly become major venues for immigration enforcement. There are now 17 state highway patrol or state police agencies participating in the 287(g) program, compared to none during the previous administration.<sup>59</sup>

Major highways are a critical way that millions of residents go to work and school, reach hospitals and access urgent care, and go about daily life. In Florida, some immigrants are so afraid of highway immigration enforcement that they are unable to drive to work, church, or the supermarket. Those who have no choice but to use their cars report having to subscribe to new rules of driving in order to avoid being profiled — no Spanish stickers or music and no wearing work uniforms or hats associated with jobs that invite profiling, such as cleaning, farming, or construction. A construction company owner described a job site “at a complete standstill” after more 30 people didn’t show up.<sup>60</sup>

In December 2025, El País reported that the only highway into the Florida Keys, a major tourist destination, had become a “trap,” replete with immigration “checkpoints and roadblocks.” A local group reported more than 300 immigration arrests, and an elected official said she had received complaints of local police “holding people of color for 30 minutes or more, until immigration authorities arrive.” (Local police joined the 287(g) program in July 2025 but denied making immigration arrests.<sup>61</sup>)

### Checkpoints

In several states, state and local police are setting up and running immigration checkpoints. For example, the Oklahoma Highway Patrol used traffic stops and “Oklahoma’s ports of entry” to conduct two major operations in fall 2025 targeting drivers, interrogating more than 1,000 people and making 193 immigration arrests. “We set up a command post at the port, we provide troopers, our emergency response troopers, that come out to process them,” Oklahoma Commissioner of Public Safety Tim Tipton told a local outlet. “It’s really a mass arrest event once you do that, when you have hundreds of people that you’re detaining.”<sup>62</sup>

Likewise, West Virginia touted multiple checkpoint operations in fall 2025. In October 2025, state police and federal agents “were staged” at highway exits to “control commercial vehicle traffic,” while weeks earlier, they used Driving Under the Influence (DUI) checkpoints as well traffic stops for immigration arrests — leading to the immigration arrests of 60 people.<sup>63</sup> (The state did not describe whether any of those arrests included DUI-related offenses.)

Beginning in August 2025, Florida Agricultural Law Enforcement’s nearly 300 officers have been tasked with performing immigration checks at all two dozen of the state’s agricultural checkpoints across 19 major Florida highways.<sup>64</sup> The state of Florida’s 2025 immigration enforcement plan proposes “integrated patrol operations” with federal agencies, including “[h]ighway interdiction” of cars entering and exiting the state, and “[i]mmigration screenings at/before airport checkpoints to identify illegal aliens.”<sup>65</sup>

Other states are planning increased highway immigration enforcement. “Our troopers are uniquely positioned to support immigration enforcement through our daily operations along Wyoming’s interstates — key corridors for cross-country travel that are sometimes exploited for unlawful activity,” an administrator for Wyoming Highway Patrol said.<sup>66</sup> According to Nebraska state patrol leadership, if any state trooper encounters someone “who may be an undocumented criminal alien,” they will refer them to a 287(g)-certified state trooper, with one such officer assigned to each troop area — allowing full immigration enforcement coverage of the state.<sup>67</sup>

### **Targeted Enforcement vs. Dragnet Immigration Enforcement and Racial Profiling**

Generally, ICE has pursued street arrests of individuals it previously identified and issued administrative warrants against. The Immigration and Nationality Act constrains its ability to engage in generalized, dragnet operations; if an agent does not already have a warrant but encounters an individual, the agent must have probable cause to believe that the individual is both in the country unlawfully and poses a flight risk in order to make a civil immigration arrest. However, under the Trump administration, ICE is launching indiscriminate raids on locations like Home Depots and parks.

ICE is also using state and local law enforcement to essentially outsource this dragnet approach and boost its numbers, despite these federal law restrictions on indiscriminate sweeps.<sup>68</sup>

#### ***Racial Profiling***

This dragnet method of immigration enforcement frequently involves racial profiling by state and local police — in violation of federal law and, in many cases, state law.

Racial profiling is law enforcement’s use of an individual’s actual or perceived race, ethnicity, or national origin to determine whether to stop, search, or investigate them for alleged criminal activity or other legal violations. Racial profiling has long been

a widespread problem in immigration enforcement and in local policing.

Numerous studies provide data showing that deputizing law enforcement for immigration enforcement “encourages local law enforcement agents to engage in racial profiling and other civil rights violations.”<sup>69</sup> Local law enforcement use race and ethnicity as the basis to scrutinize drivers for traffic violations and other minor criminal infractions; finding reasonable suspicion or probable cause for such a violation, they can then exercise 287(g) authority — or, in the cases of active collusion described above, simply tag in nearby ICE officials.<sup>70</sup>

Racial profiling arises from all forms of the 287(g) program. In the Task Force Model of the program, as noted, state and local police stop people for local violations or at traffic checkpoints based on their state or local criminal enforcement authority, question their immigration status based on their 287(g)-delegated authority, and then either execute immigration arrests or call in federal immigration officers. In the Jail Enforcement and Warrant Service Officer models of the program, local police stop people on the pretext of minor traffic offenses, booking them into local custody and initiating a process that may lead to their deportation.

Indeed, a 2021 Washington Post analysis — prior to the resurrection of the Task Force Model of the program — found that 287(g)-participating sheriff’s departments “saw a major increase in low-level arrests per officer starting in 2016.”<sup>71</sup> Even in communities participating in only the Jail Enforcement or Warrant Service Officer models of the program, 287(g) is leading community members to fear being targeted by police on the basis of their appearance.

As an Arkansas woman who was jailed after a traffic stop in 287(g)-participating Benton County, Arkansas told the Associated Press: “Nobody is safe at this point because they are targeting you because of your skin color.”<sup>72</sup>

# Blurring Lines and Building an Abusive National Deportation-Policing Force Through 287(g)

By vastly expanding the number of state and local agencies involved in the 287(g) program, the administration has extended its tentacles into local communities. By directing — and even paying the salaries of — local law enforcement officers that participate in the 287(g) program, the administration is concentrating federal, executive power and expanding its ability to act on its prerogatives.

In many 287(g)-related operations, we see the effect: The lines of law and accountability between federal, state, local, and even military units are blurred. Through 287(g) and other means, the administration is building out a national policing force drawn from discrete federal, state, and local police agencies — pivoting between purported missions related to crime, immigration, and even what it calls “domestic terrorism.” Through the 287(g) program, this force is currently turned on noncitizens, however, it is also increasingly being deployed against people who protest immigration enforcement and record the actions of federal agents.

## Fusing Local Police Into The National Deportation-Policing Force

Many of the state governors and sheriffs who support the 287(g) program are true believers in cannibalizing state and local resources and fusing their agencies with the federal government for the purpose of achieving massive deportation numbers.<sup>73</sup>

Under the Trump administration, when state and local law enforcement take part in multi-day sweeps, they are essentially acting as a part of ICE and Border Patrol — with the lines of responsibility and accountability for arrests and detention obscured. As a Texas news outlet put it, 287(g)-enlisted agencies “essentially mix and match their authorities, enforcing federal immigration law in the process of enforcing state criminal and traffic laws.”<sup>74</sup> According to The Texas Tribune, Texas state police assisted in the immigration arrests of more than 3,000 people across the state in 2025, including by joining “strike teams” in major cities.<sup>75</sup>

## Blurred Lines in Louisiana

In December 2025, federal law enforcement agencies descended upon New Orleans and surrounding areas and conducted operations with local law enforcement blended within them.<sup>76</sup> In such joint operations, local law enforcement may have been under federal supervision, but they operated under an apparently amorphous understanding of their legal authority, constraints, and mission.

**One example:** A video obtained by a New Orleans news outlet shows an officer with the local Gretna police in a plaid shirt, tactical vest, and backwards baseball cap, among six officers and masked federal agents, tackling an individual to the ground in front of the home renovation store Floor & Decor. When an individual recording their conduct refused to back away beyond 10 feet, the Gretna officer told his colleagues, “I’m gonna hook him; y’all stay here,” and then pushed the individual recording the video,

shouting, “We have a 25-foot zone! Back up!” (A judge had blocked enforcement of the 25-foot zone law in question after holding it to be unconstitutional). When questioned on social media, the Gretna deputy police chief said he was “on board” with providing more details about operations, “but I can’t compromise our own investigations or another agency’s investigation.” He said the only arrests made were by ICE — not his agency.<sup>77</sup>

When local residents questioned another New Orleans area police chief in Kenner, Louisiana about the toll of immigration enforcement operations with which his agency was colluding, he was unable to answer questions about the basis for the arrest of more than 300 people. “I imagine at the end of the operation we will get credible information that we can digest, and we can discuss it then,” the chief said at a December council meeting.<sup>78</sup> Kenner police also contacted ICE to assist in its response to complaints of nuisance activity at a boat launch, with the police chief citing “everything from traffic to litter to loud music.” That spawned a multi-agency raid in November 2025 and the arrest of 13 people for immigration violations. When asked why he contacted ICE to join the operation, the local police chief said: “We brought them in because we knew there was going to be a large amount of Hispanics out there.”<sup>79</sup>

### **Florida’s Systematic Blurring of Law Enforcement Into Federal Operations**

Florida appears to have devoted more state and local law enforcement resources to immigration enforcement than any other state, resulting in harassment and profiling of U.S. citizens and noncitizens alike, a climate of extreme fear in communities, and reports of serious civil rights violations.

In addition to the immigration arrests in the course of traffic, vehicle, and other routine inspections described earlier, Florida has been lending law enforcement to massive, multi-agency operations, such as an April 2025 operation dubbed Operation Tidal Wave.<sup>80</sup> It involved the arrest of more than

1,100 people over six days — with 13 local sheriff’s offices, five Florida state agencies, and six federal agencies involved, and at least 250 state and local officers taking part.<sup>81</sup> Their particular roles and conduct went unreported, with two sheriff’s offices declining to provide information in the face of community anger and concern, and another sheriff’s office, in fall 2025, reportedly adopting a policy routing all 287(g)-related media requests through ICE.<sup>82</sup> Community members reported seeing fellow residents tackled to the ground outside their homes and recorded videos of people detained following traffic stops, which may have involved racial profiling.<sup>83</sup>

Many of the individuals arrested by Florida state and local police were then detained at the abuse-ridden Everglades detention facility known as “Alligator Alcatraz,” which itself involves a blurred amalgam of federal, state, and local law enforcement agencies as well as the Florida National Guard, as further detailed below.<sup>84</sup>

In another example, Florida police reportedly invited Border Patrol to help police a major annual music festival in Daytona Beach, running immigration checks on concert-goers.<sup>85</sup>

The state of Florida’s Immigration Enforcement Operations Plan, issued in May 2025, proposes a “transformational” integration of federal and state immigration enforcement operations and recommends the Trump administration waive federal regulations requiring ICE supervision of immigration enforcement operations in the name of “President Trump’s fight against the ‘deep state’ within federal agencies.”<sup>86</sup>



### Tennessee’s Criminal-Immigration Policing

The purported mission of Memphis’ Safe Task Force operations, involving multiple federal, state, and local agencies, as well as National Guard, was “to end street and violent crime.”<sup>87</sup> However, that mission repeatedly morphed to include civil immigration arrests — and the roles of each agency were unclear and often blurred. When a federal task force in Memphis began ramping up traffic stops in October 2025 with a purported mission of reducing crime, the U.S. Marshals Service reported that almost one-fifth of about 1,000 arrests made were on the basis of ICE administrative warrants in ramped-up traffic stops.<sup>88</sup>

Local police cannot conduct immigration street arrests independently, but the Tennessee Highway Patrol can pursuant to its 287(g) agreement. Memphis community members describe traffic stops involving multiple cars — with immigration officers “riding shotgun” or following behind in

their own vehicles, or vehicles apparently borrowed from the Tennessee Wildlife Resources agency.<sup>89</sup> In one case, Memphis task force members reportedly came to a house with a warrant for a criminal suspect. The person no longer lived there, and instead they took an undocumented Mexican national, according to the man’s son.<sup>90</sup>

### Spreading Abusive Tactics and Endangering Communities

As federal agents’ tactics have grown increasingly violent — and federal agents have begun wearing masks to conceal their identities — the administration has sought to remake local policing in the same ugly image. The Trump administration’s larger project is, as one commentator has noted, to “redefine desirable American policing as politicized, militarized, and repressive.”<sup>91</sup> The administration has moved to provide more military and “national security”

equipment to local jurisdictions, develop “new best practices” for “state and local law enforcement to aggressively police communities,” and shield law enforcement from liability for legal violations.<sup>92</sup> President Trump himself has repeatedly encouraged police violence and mocked standards to protect Americans from excessive use of force.<sup>93</sup>

Blurring law enforcement agencies into a single force accountable to a remote executive figure, rather than the local populace, has long been considered anti-American and dangerous to civil liberties. Putting state and local police under the effective command of ICE and Border Patrol agents who are operating in frequent violation of the law has recently proven a recipe for civil rights violations — including excessive use of force and illegal detention.

For example, in May 2025, Florida Highway Patrol and Border Patrol agents stopped a van with three individuals on their way to a landscaping job in Palm Beach County, Florida. One of the occupants, high school senior Kenny Laynez, recorded a video showing the officers dragging the passengers by their necks. Border Patrol and Florida Highway Patrol officers appeared to restrain one of the passengers by the neck in apparent violation of both agencies’ policies. One individual was tased, with police claiming, questionably, that he was resisting arrest. Video depicts officers laughing and joking about getting a \$30,000 bonus and one officer saying, “We’re going to end up shooting some of them.”<sup>94</sup>

When Laynez protested that he was born and raised in the United States and had rights, an officer responded, “You don’t have any rights here,” and hurried him into a van. He was taken into custody despite his mother, who was also a passenger, reportedly telling officers that he was as U.S. citizen and showing them a picture of his Social Security card. State officials claim the stop was made to conduct a “commercial vehicle inspection,” while a federal record says the basis was a “traffic violation.”<sup>95</sup>

Another example of how abusive tactics have spread from federal agents to local police is a raid in the small farming town of Wilder, Idaho where, in October 2025, an estimated 200 law enforcement agents from 10 federal, state, and local agencies descended on a racetrack. Federal agents had criminal judicial warrants on gambling charges for just five people, but more than 100 people were arrested for civil immigration violations. Families — including U.S. citizens — were detained and children and adults alike were zip-tied. “Children watched as their parents were taken away without explanation” and “families were separated in a matter of minutes,” local advocates noted.<sup>96</sup>

In the aftermath, multiple local police agencies denied involvement in zip-tying children and refused to provide records to journalists about their participation in the raid. Only one of the Idaho agencies is 287(g)-designated. With multiple agencies involved, those unlawfully detained and separated from their children found it difficult to pinpoint who was responsible — and to demand meaningful policy changes to prevent abuse from recurring.

# Changes on the Horizon — the Coming Dangers of 287(g) to Our Democracy and Communities

While the expansion of the 287(g) program has already resulted in abuses described above, the administration has also set in motion plans and changes that we have yet to see come to fruition. The new forms of 287(g) program participation raise serious questions and may pose a danger to communities and democratic norms of accountability.

## Facial Recognition “Identifiers”

For years, immigration authorities have initially deployed technology at the border that casts a wide surveillance net on border communities. Federal agencies and their local partners then deploy the same technology and tactics to the interior of the country — normalizing it by first using it against noncitizens. As 287(g) spreads and federal control of local policing proliferates, our communities are increasingly under federally directed surveillance.

One example of this surveillance is facial recognition technology. ICE and Customs and Border Protection (CBP) have aggressively adopted facial recognition as a tool in their dragnet approach to immigration enforcement, including by using an app called Mobile Fortify that allows agents to point a phone at anyone in public, compare their faces against a wide array of government databases, and get instant access to their name, immigration record, and potentially intimate details.<sup>97</sup> It also allows for contactless collection of fingerprints. According to media, ICE is poised to equip state and local law enforcement with a limited version of this face recognition app called Mobile Identify.<sup>98</sup>

In response to a face search, the app reportedly directs law enforcement to contact ICE or not to detain the individual.<sup>99</sup> It is unclear whether and to what extent ICE will direct participating agencies to use face recognition in routine street enforcement and patrolling, particularly after a publicly available version of the app disappeared in December 2025.<sup>100</sup>

In Florida, 287(g)-participating law enforcement agencies have already received state funding for Rapid ID devices to “positively identify” people for deportation.<sup>101</sup> ICE has not specified whether and how state and local law enforcement will be trained on using Mobile Identify. In fact, it is even unclear whether or how ICE officers are trained on the use of Mobile Fortify and other facial recognition technology, raising a host of civil liberties and due process concerns.

As the use of face recognition technology proliferates in immigration enforcement, we anticipate more wrongful arrests and detention — including of U.S. citizens and other individuals with legal status. Facial recognition technology systems have markedly higher false match rates for women and Asian and African American people and compound pre-existing racial disparities in policing.<sup>102</sup> These concerns and others have led more than 20 jurisdictions to enact legislation halting or restricting government use of face recognition technology.<sup>103</sup>

Concerningly, DHS appears to be ramping up its deployment of facial recognition technology at the same time that it is increasingly punishing people for expressing their political views, participating in protests, or simply disagreeing with the

administration's actions. This puts state and local agencies at greater risk of entanglement in the administration's anti-democratic efforts to identify and target its critics.

## Targeting Immigrant Kids

State and local agencies participating in the 287(g) program and otherwise colluding with federal immigration agencies are also embroiled in the detention and deportation of children. For example, in Hawaii, the local police department had a role in at least three reported cases of child detentions and deportation in 2025, spurring local concern and fear, particularly after a school resource officer took custody of a first grader, ultimately leading to his deportation.<sup>104</sup> In Michigan, in one of a reported handful of such arrests, a local police officer pulled over a 17-year-old boy driving home from baseball practice for “impeding traffic” — he was driving too slowly — and then called Border Patrol for a “citizenship verification,” resulting in his detention in Texas.<sup>105</sup>

In November 2025, DHS announced it would use state and local law enforcement participating in the 287(g) program to “conduct welfare checks” on children in the custody of sponsors who entered the country alone during the Biden administration.<sup>106</sup> While DHS described this practice as a measure to protect children from abuse, it is a thinly veiled attempt to enlist state and local police in a larger agenda to re-detain children and deport their sponsors — who may include parents or other loved ones who are undocumented. That larger agenda includes several new ways to target unaccompanied children who came alone to the United States in search of safety or to reunite with family.<sup>107</sup> In November, alongside its 287(g) announcement, the administration opened a bid for a call center that would track 6,000–7,000 unaccompanied children.<sup>108</sup>

More than 80 percent of sponsors for unaccompanied children are close family members, so tracking down and apprehending these children means

taking them from family and putting them in a detention site where finding lawyers and basic support is increasingly difficult.

When local police assist ICE in taking children away from their sponsors, they are facilitating the removal of these children from families — in many cases, solely because the parent or other relative is undocumented. Yet the administration has not provided information about the protection services it is providing to these children, including trafficking screenings and trafficking victim assistance. The federal government has started to pressure unaccompanied children to abandon their legal claims and right to see a judge,<sup>109</sup> threatening them with fines if they don't leave the United States<sup>110</sup> and, in one case, attempting to fly over 600 unaccompanied children to Guatemala in the middle of night despite their pending protection claims.<sup>111</sup>

Local police are also not trained in the rights afforded to unaccompanied children under the Trafficking Victims Protection Reauthorization Act, which, among other things, requires that children are screened for trafficking risks and claims.<sup>112</sup>

## Using 287(g) to Expand Immigrant Detention

The administration credits the 287(g) program with allowing it to “expand detention space by the thousands.”<sup>113</sup> While details are scant, we know the most about Florida, where authorities illegally relied on 287(g) to swiftly construct a wholly state-operated detention site on an airstrip surrounded by a national preserve, dubbing it “Alligator Alcatraz,” in 2025. State and local agencies have also transported people to and from the facility and patrolled it.<sup>114</sup>

Thousands of people have been held there in temporary tents and trailers — surrounded by alligators, pythons, mosquitos, and swampland — in dangerous and at times life-threatening conditions.

Amnesty International reports that people were forced into a two-by-two barred cage as punishment, including an individual who was sent to the box for simply alerting guards to an individual's need for medication.<sup>115</sup>

The establishment of “Alligator Alcatraz” marks the first time a government has sought to use 287(g) authority to justify an independent, state-run detention site — leading to unprecedented issues.<sup>116</sup> Normally, state and local government agencies take part in immigration detention through inter-governmental service agreements, which set the applicable federal detention standards and assign responsibilities. Using the 287(g) program to scale up immigration detention blurs lines of accountability and responsibility for those in custody. **For example:**

- Confusion over whether detained individuals were in state or federal custody initially led ICE to claim that no immigration courts had jurisdiction over people held at “Alligator Alcatraz,” effectively leaving immigrants held at the facility without the opportunity to get judicial relief.
- Lawyers reported being turned away from the facility by state National Guard and state police officers who were not required to comply with ICE standards.<sup>117</sup>
- In the facility's early months, people taken to “Alligator Alcatraz” effectively disappeared; their names did not appear in the ICE detainee locator. (ICE is now updating the detainee locator.)<sup>118</sup>

After the facility opened, numerous lawsuits were filed alleging violations of federal and state laws, including suits from the ACLU and ACLU of Florida against Florida's state agencies as well as ICE.<sup>119</sup>

While Florida Governor Ron DeSantis told the Florida Sheriffs Association that everyone brought to the facility was under a final order of removal, federal-level Justice Department attorneys later told a court that the detention site houses people

“in all stages of immigration processing” — including those who have never been ordered deported.<sup>120</sup>

Beyond “Alligator Alcatraz,” ICE appears to be using the Warrant Service Officer model of the 287(g) program for detainer arrests. Local law enforcement agencies are keeping dozens of beds open to hold people beyond their local release date, on the basis of immigration administrative warrants issued and executed by local police pursuant to 287(g) authority. For example, a Nassau County, New York jail held more than 1,400 people in five months for ICE after setting aside 50 local jail cells as part of its Warrant Service Officer participation.<sup>121</sup>

## National Guard in 287(g)

In 2025, ICE enlisted the National Guard of at least four states, as well as the Louisiana Military Department, in the 287(g) program.<sup>122</sup> No military units had ever before been part of the 287(g) program, nor have military troops ever been authorized to seize or arrest people for immigration purposes in the interior of the country. Military personnel — federal or state — do not have the training or skillset to carry out immigration functions.

Treating military troops and civilian immigration enforcement agencies interchangeably — whether through the 287(g) program or any other legal authority — is a danger to our democracy. As Senate Armed Services Committee Ranking Member Jack Reed put it:

“Our constitutional system is fundamentally designed to separate military and civilian roles, reserving police powers for law enforcement agencies, and endowing the military with the superior weaponry and firepower necessary to fight and win the nations' wars. When we allow the military to be used in the routine exercise of the police power, the nation teeters on the brink of autocracy and military rule.”<sup>123</sup>

Using state National Guard troops for immigration enforcement is also likely to undermine public trust in the military’s limited, legitimate role in natural disaster or other emergency management. As Retired Major General Randy Manner testified to the Senate Judiciary Committee in 2024:

“After a natural disaster, most people welcome National Guard units in their communities to help save lives and distribute badly needed food and water. In contrast, when many people see the Guard involved with immigration enforcement and detention of their neighbors, these National Guard members may be placed in an impossible, politically-fraught position, eroding domestic civil-military relations.”<sup>124</sup>

## Fear on College Campuses

At least 10 university campus police agencies in Florida signed 287(g) agreements in 2025.<sup>125</sup> Although we are not aware of reports of campus police conducting immigration enforcement work to date, these agencies are sowing distrust and a sense of betrayal among many students — some of whom have chosen to leave college because of the 287(g) program participation.<sup>126</sup> One Florida student said her scholarship advisor warned her, “You can go to campus, but it will be at your own risk.”<sup>127</sup> Another student reported feeling scared that her hijab would prompt university police to question and possibly detain her.<sup>128</sup> In Ohio, ACLU student activists urged Oberlin College not to join the program, warning it “creates an atmosphere of fear and division: one that is not conducive to learning, growth, or community engagement.”<sup>129</sup>

# Beyond What Congress Intended — Misuse of the 287(g) Program

No prior administration has used the 287(g) program in the ways documented and forecasted in this report — likely because it goes far beyond what Congress envisioned when it authorized the program decades ago. Congress authorized the 287(g) program in a 1996 law, the Illegal Immigration

Reform and Immigrant Responsibility Act. The statute authorized state and local law enforcement participation in federal immigration enforcement but placed limits on their involvement — limits the Trump administration has blown through.

## Section 287(g) Law and Practice vs. Current Realities

### Law and Prior Practice

### What Is Happening Now Under the Trump administration

#### Limits Built Into the 287(g) Agreement

The statute requires agencies to sign agreements setting out “the duration of the authority of the individual” to whom authority was designated.<sup>131</sup> In practice, agencies signed agreements with defined renewal terms, typically three years.

The first Trump administration eliminated expiration dates entirely while also gutting oversight entities such as the DHS Office for Civil Rights and Civil Liberties.

Some state police agencies have now designated their entire officer corps as 287(g) participants, and it is unclear how ICE is supervising this unprecedented number of officers.<sup>130</sup>

#### Supplementing vs. Supplanting Federal Personnel

Congress explicitly barred participation if a local officer’s service would displace any federal employee.<sup>132</sup> The program was designed as a supplement, not a replacement, for federal enforcement capacity. In practice, only a small number of designated local officers per agency participated in the program.

With entire police agencies being deputized and the federal government paying salaries of local police, the program is functioning as a significant addition to, if not substitution of, federal law enforcement agency officers.<sup>133</sup>

#### Federal Financial Structure

The statute authorizes state and local officers to carry out federal immigration enforcement responsibilities “at the expense of the State” or participating locality. In practice, the cost burden fell on the participating jurisdiction.<sup>134</sup>

The second Trump administration has introduced a financial incentive scheme, using federal funds to get state and local agencies to redeploy their personnel to federal work.

#### Training Requirements

Under the statute, only designated officers can participate, and they are required to have “received adequate training regarding the enforcement of relevant Federal immigration laws.”<sup>135</sup> In practice, participating officers in two program models were required to complete a four-week, in-person training course.

The fastest-growing model — involving street-level enforcement — now requires only an online training course of at most 40 hours. There are reports of officers being deputized with far less training than even that threshold.<sup>136</sup>

#### Detention Authority

In the 30 years since section 287(g) was enacted, no state officers claimed the authority under the statute to detain individuals beyond the short period immediately following an arrest, during transport to an ICE facility.

The Trump administration and the state of Florida illegally relied on 287(g) authority to operate the “Alligator Alcatraz” detention facility in Florida — an unprecedented claim.<sup>137</sup>

# A Powder Keg: The Escalating Risks of 287(g) Program Participation for Local Law Enforcement and Communities

ICE, Border Patrol, and their partner agencies are frequently engaged in serious civil rights violations as they conduct dragnet enforcement operations and seek to massively scale up immigration arrests and deportations. When state and local law enforcement support, facilitate, or otherwise assist in such operations, they risk becoming embroiled in these civil rights violations — resulting in legal liability, reputational damage, community distrust, and a decrease in public safety.

## The Current Nature of Immigration Enforcement: Rampant, Serious Civil Rights Violations

Federal agents are violating norms and standards of professional policing, frequently engaging in serious civil rights violations and traumatizing and terrorizing communities.

There are numerous accounts of masked federal agents smashing car windows, throwing people to the ground, dragging people from their cars, beating people, and using chokeholds in what appear to be otherwise routine civil immigration enforcement operations.<sup>138</sup> These abuses are happening in front of grocery stores, Home Depots, and suburban streets — where agents inspire fear and traumatize children and others who witness their actions.<sup>139</sup> Masked agents are forcing people into unmarked cars and refusing to identify themselves, leading to the appearance of kidnappings

in communities.<sup>140</sup> Federal agents have used explosives to blow the door off a home with children inside, shot pepper spray at toddlers and infants, and zip-tied children.<sup>141</sup> They are arresting parents and teachers in front of children, entering daycares armed, and even deploying tear gas near elementary schools.<sup>142</sup>

In response to protest, people recording their actions, and neighbors and community members simply coming out to bear witness, federal agents have fired pepper spray at close range and used flash-bang grenades and tear gas — in some cases, without warning.<sup>143</sup> In a Chicago case, federal agents deployed tear gas at both local residents and police — sickening a dozen local officers — despite a Chicago police chief telling them his officers did not have gas masks.<sup>144</sup>

In response to criticism of these actions, senior Border Patrol official Greg Bovino, who led major operations in Minneapolis, Los Angeles, Chicago, and New Orleans, told CBS News: “If someone strays into a pepper ball, then that’s on them.”<sup>145</sup> A federal judge said officers’ use of force in Bovino’s Chicago operation “shocks the conscience.”<sup>146</sup>

“This isn’t policing and law enforcement as I practiced it for 25 years,” said Eric Balliet, a career federal agent who, until recently, led internal investigations into use of force misconduct for ICE.<sup>147</sup> In earlier times, these reported abuses would have led to internal DHS investigations, but under the Trump administration most of the agency’s internal oversight bodies have been gutted and effectively dismantled.<sup>148</sup>

Accounts and video of physical abuse by these federal agents have gone viral on social media and spawned lawsuits seeking millions in damages.<sup>149</sup>

While ICE’s street enforcement practices have long been criticized, we have never seen excessive use of force, racial profiling, and unlawful arrest reports at the scale and frequency observed in 2025. Border Patrol has a long history of physical abuse of those in its custody, use of deadly force in border encounters, and failure to hold officers accountable — but it has never been deployed in the interior of the country to lead large-scale, multi-day civil immigration enforcement operations. ICE and Border Patrol are flouting not only federal law but their department’s policies.<sup>150</sup>

## Risks to Law Enforcement: Association With, and Entanglement in, Federal Agents’ Abuse

Local law enforcement agencies partnering in the 287(g) program or otherwise providing support to federal law enforcement agents are entangled and embroiled in these constitutional violations and misconduct — in the very communities they are charged with protecting.

Partnering with ICE and Border Patrol puts state and local officers at risk of reputational harm and a loss of community trust, particularly because members of the public do not know the identity of masked agents committing abuses in the street. For example, at immigration checkpoints in the Key Largo area of Florida, masked agents have pulled people from their cars and, in an instance recorded by a local reporter, dragged a U.S. citizen from her car while she was en route to work at a local hospital. She was detained in an unmarked car as agents searched her belongings. She reported that neither she nor bystanders knew whether the agents were federal or local. In a written statement, she said: “The individuals themselves never told me who they were, and their vehicle had no visible identification.

They were also wearing masks, which heightened my fear, confusion, and sense of danger.”<sup>151</sup>

By joining the 287(g) program, state and local law enforcement agencies are put at greater risk of entanglement in ICE and Border Patrol abuses. Individual law enforcement officers may believe they are obligated to assist federal agents even if they are not designated as 287(g) officers or their requested actions fall outside the scope of their agency’s 287(g) agreement. Law enforcement agencies engaged in the Task Force Model may find their 287(g)-designated staff abiding by ICE’s commands, in contravention of their own. The standard 287(g) task force agreement states that local, 287(g)-designated officers’ immigration enforcement activities will be “directed by ICE.”<sup>152</sup>

For agencies receiving reimbursements and financial incentives from the federal government or state government, the risk is greatest: Officers may fear that if they fail to provide assistance requested by federal agents, their agency may lose the funding it desperately needs for their salaries, as well as access to performance bonuses and new equipment.

Federal agencies may ask state and local law enforcement for assistance in street operations that have proven especially dangerous due to ICE and Border Patrol’s aggression. **Examples of such requests are:**

- Providing backup or support in street arrests and raids
- Setting up or operating joint checkpoints
- Engaging in crowd management and observing or surveilling protests

As one state attorney general’s office notes: “These contexts carry the risk of conflict with State law” — particularly where state privacy laws and accountability requirements exceed federal law protections.<sup>153</sup>

## Decreased Training and Limited Supervision and Oversight — and Increased Risk of Abuse

Federal training requirements for 287(g)-certified officers have been dramatically reduced; where Task Force Model officers formerly needed to complete a four-week, in-person training program, they now need only complete a 40-hour course, which could simply be a recorded, online course. “Officers with limited training are more likely to make errors that result in costly litigation and weaken community trust, which may reduce cooperation between residents and law enforcement on broader public safety matters,” notes the National Immigration Forum.<sup>154</sup>

Training is vital for local law enforcement to understand the limits on their delegated authority and to handle complicated cases and immigration law questions involved in determining a person’s status. Without clear training and supervision, agencies risk arresting U.S. citizens or lawful permanent residents, or holding individuals for immigration reasons when not appropriate. Localities inevitably risk litigation and a loss of public confidence.

The diminished training requirements are exacerbated by ICE’s inability to adequately supervise the thousands of officers and agencies now participating in the 287(g) program. During the first Trump administration, the Office of Inspector General (OIG) found that ICE had approved expansion of the 287(g) program “without planning for a corresponding increase in [ICE] program managing staffing” to oversee the new participating state and local law enforcement agencies, including reviewing and signing off on all paperwork local officers prepare, such as ICE detainers. OIG also found ICE failed to plan for an increase in resources “ensuring participants are fully trained.”<sup>155</sup> The first Trump administration’s expansion, unprecedented at the time, pales in comparison to the speed and scale of escalation of the program we are now seeing.

A lack of internal oversight, including the Trump administration’s dismantling of the DHS Office for Civil Rights and Civil Liberties, will also make the 287(g) program more susceptible to significant problems, including race-based arrests, retaliatory arrests, or other abuses.<sup>156</sup> There is no longer an internal executive branch oversight mechanism to review and analyze arrests to ensure the program’s lawful operation and safeguard against race or national origin-based discrimination. The more diffuse immigration enforcement becomes, the higher the likelihood of mistakes and abuse.

## Liability Risks for Local Law Enforcement

State and local officials — and the municipal and state governments that employ them — face serious risk of lawsuits and money damages when they entangle themselves with federal immigration agents. Indeed, state and local officers conducting immigration enforcement are arguably at greater risk of lawsuits than their federal counterparts. As the Maryland attorney general noted in a 2025 guidance for the state’s agencies: “Compared to their federal counterparts, [state and local] officers face more significant exposure to civil lawsuits for violations of federal or state law.”<sup>157</sup> Likewise, the attorney general of New Mexico’s guidance warns, “[c]hoosing to enforce federal law can expose local law enforcement departments and officers to civil liability.”<sup>158</sup>

### State Law Violations

Federal law dictates that state and local agencies may only enter 287(g) agreements and take part in these operations “to the extent consistent with State and local law.”<sup>159</sup> State law may prohibit state and local law enforcement from joining the program altogether, effectively bar participation in the Task Force, or prohibit participation without satisfying particular requirements. Law enforcement leaders and local governments have faced lawsuits and on this basis.<sup>160</sup>

### For example:

- The ACLU of Pennsylvania and its partners sued the Bucks County, Pennsylvania sheriff for unilaterally signing a 287(g) agreement without seeking approval of the municipality’s governing body — in violation of the Pennsylvania Intergovernmental Cooperation Act. While the sheriff claimed to be acting under color of federal law, and ICE had approved the agreement, a federal court rejected the sheriff’s claim of federal immunity.<sup>161</sup>
- In December 2025, the ACLU of Minnesota and its partners filed a lawsuit against Freeborn County, Minnesota and its sheriff alleging violations of state law, both because the sheriff entered the 287(g) program unilaterally and because state law does not authorize local law enforcement to execute immigration civil arrest warrants.<sup>162</sup>

State attorney general offices have issued warnings to state and local agencies about potential violations of state law. In Minnesota, state Attorney General Keith Ellison issued an advisory opinion warning that state law does not authorize sheriffs to enter 287(g) agreements; only a county may execute an agreement, if it is approved by the county board.<sup>163</sup> The Maryland attorney general issued a guidance to state and local law enforcement warning that state criminal law “effectively precludes” participation in the Task Force Model of the program.<sup>164</sup>

### State Civil Rights Violations

State and local law enforcement agencies are also bound by state and local civil rights law protections that in many cases go beyond those found in federal law — and could lead to lawsuits and other consequences for state and local agencies’ involvement in what have become routine abuses arising from immigration enforcement.

#### ***Racial Profiling***

At least 21 states have laws against racial profiling, including states with heavy 287(g) involvement.<sup>165</sup>

Some state laws empower the state attorney general to sue, while others allow private individuals alleging a violation to file a civil action for damages.<sup>166</sup> Some state statutes specifically bar stops and detention on the basis of race or ethnic identity, or immigration status, unless in combination with identifying factors to apprehend a specific suspect, under specific circumstances.<sup>167</sup> With Border Patrol and other senior federal officials falsely claiming authority to conduct stops on the basis of race and ethnicity, state and local law enforcement officers who take part in federal immigration enforcement operations could face both conflicting directions and legal jeopardy.

States and municipalities also require written law enforcement agency policies against racial profiling, meaning officers who engage in profiling as part of an immigration enforcement operation may be in violation of their own agency rules. Some state and municipal governments require investigations or administrative actions following allegations of racial profiling, and disciplinary procedures may result.<sup>168</sup>

#### ***Excessive Use of Force***

At least 31 states have enacted state standards for use of force in recent years, according to the Stanford Center for Racial Justice.<sup>169</sup> Nearly half of law enforcement agencies have adopted a standard for force higher than that set by the Supreme Court, meaning that state and local officers who, in joint operations, follow the lead of federal agents regarding use of force may be in violation of their own agency policies.<sup>170</sup> In at least five states, state attorneys general have authority to investigate and pursue lawsuits based on a pattern or practice of violations. States including Florida require use-of-force investigations in certain circumstances.<sup>171</sup>

#### ***Duty to Intervene***

In recent years, several states have enacted laws creating a statutory duty for officers to intervene or intercede in situations of excessive use of force and other constitutional rights violations that they observe.<sup>172</sup> Nearly all of these states require disciplinary procedures or state criminal prosecution.<sup>173</sup>

## The False Promise of Total Immunity

It is true that the Immigration and Nationality Act provides that 287(g)-designated officers are treated the same as federal officers for purposes of liability and immunity.<sup>174</sup> While the existence of a 287(g) agreement may change some of the dynamics of potential litigation, the bottom line remains the same: If a state or local officer acts as an arm of ICE, they expose their agency to costly litigation. A city or county remains vulnerable to money damages claims under the federal Civil Rights Act of 1871, 8 U.S.C. § 1983 for violations of constitutional rights that can be traced to the municipality's actions, policy, custom, or failure to train or supervise.<sup>175</sup>

Furthermore, an agency's participation in the 287(g) program may embolden officers who are not actually deputized under it to engage in racial profiling and other unconstitutional acts; the agency's enlistment in the program would not affect the liability of these individual officers. Likewise, where an agency takes part in a multi-agency operation and involves its staff who are not 287(g)-certified, their liability would not be affected by the 287(g) agreement signed by their agency, since it authorizes conduct only by 287(g)-certified officers.<sup>176</sup> Non-287(g) officers may face liability for failing to intervene when, for example, a fellow officer uses excessive force or engages in other civil rights violations.

## Misplaced Reliance on ICE's Assessments of Immigration Status

Some leaders of agencies that have joined the 287(g) program under the second Trump administration appear to believe they need not assess the legality of their agency's actions if undertaken at the direction of federal agencies. As a Kansas sheriff who signed a 287(g) agreement in 2025 put it: "I don't decide who they want to hold and I am not making the call."<sup>177</sup>

ICE's assessments of legality cannot be relied on. ICE itself disregarded evidence of individuals' citizenship and legal status repeatedly in 2025

to justify what appear to be error-based arrests and detention. In late December 2025, ICE arrested, detained and refused to release a 22-year-old woman in Maryland despite her attorney submitting a birth certificate and hospital records, holding her for 25 days before releasing her on ankle monitor.<sup>178</sup> In September 2025, ICE detained a 28-year-old Deferred Action for Childhood Arrivals (DACA) recipient and father of four U.S. citizens who has lived in the United States since he was an infant, despite his valid DACA status; the ACLU of New Mexico and a partner sued for his release.<sup>179</sup>

If a local agency receives a target list of individuals, detainer, or other request for assistance from federal law enforcement, that does not excuse it from assessing the legality of detaining an individual, nor does it provide immunity from lawsuits over Fourth Amendment violations for unlawful detention. As numerous court decisions reflect, local agents must make their own probable cause assessments, including assessing claims of lawful status and citizenship. Localities have faced lawsuits and reached settlement agreements costing them thousands and even millions — for example, \$92.5 million in a class action settlement in New York for people held unlawfully based on ICE detainees.<sup>180</sup>

ICE has long issued detainers based on faulty information from unreliable databases; one federal court described the databases as "Inaccurate, Incomplete and Error-Filled."<sup>181</sup> Local agencies, relying on ICE detainers, have repeatedly and wrongfully held thousands of U.S. citizens and lawful permanent residents.<sup>182</sup>

Participation in the Task Force Model heightens these risks of liability. Local law enforcement officers joining raids or making street arrests appear to be operating with limited supervision from ICE and other federal agents, and may be called upon to interpret complex federal immigration laws and policies on the fly.<sup>183</sup> They may follow the cues and actions of federal agents who believe themselves immune from liability or themselves lack sufficient experience and training for these sensitive operations — especially as an ICE hiring spree

and extremely diminished eligibility and training standards undermine the overall competence of ICE.<sup>184</sup>

In joint raids and other street arrest operations, ICE and Border Patrol are likely providing target lists to state and local law enforcement. These target lists are particularly unreliable now, as agents drive to meet unprecedented quotas set by the Trump administration.<sup>185</sup>

The Jail Enforcement and Warrant Service Officer models of 287(g) also pose risks to law enforcement agencies, who face pressure or even a state law mandate to hold individuals for immigration purposes in jails that become overcrowded and dangerous — particularly during surges of immigration enforcement operations.<sup>186</sup>

In November 2025, the Bristol County, Massachusetts sheriff settled an \$800,000 lawsuit over unsafe jail conditions. “My predecessor’s decision to involve the [Bristol County Sheriff’s Office] in immigration enforcement left the citizens of Bristol County and the taxpayers of Massachusetts exposed to legal liability,” he said, noting that the taxpayer money would otherwise have gone to “campus improvement projects.”<sup>187</sup> Neither the federal nor state government paid for the settlement, and the sheriff said he would have faced \$1 million in legal fees if the lawsuit had gone to trial.<sup>188</sup>

Maricopa County, Arizona has declined to pursue any 287(g) agreement in light of the \$300 million in costs it faced following a 2013 lawsuit over racially biased policing arising from its prior 287(g) participation.<sup>189</sup>

## **When Neighbors Stop Calling 911: The Public Safety Harms of Local Immigration Enforcement**

Studies have long shown that when local law enforcement are involved in immigration enforcement, including the 287(g) program, immigrant community members are less likely to report serious crimes and seek protection —

undermining public safety for all, while making it more likely that Latine community members will themselves suffer violence from perpetrators exploiting their vulnerability and fear of ICE.<sup>190</sup> This is especially true for survivors of domestic violence, sexual assault, and human trafficking.<sup>191</sup> Immigrants are less likely to leave the house or drive anywhere for fear of encountering police — exacting harm on local businesses and leading to higher costs of services and goods as immigrants leave the labor force, particularly in communities with large noncitizen populations.<sup>192</sup>

Community experiences of the 287(g) program during the second Trump administration bear out these findings. In Bucks County, Pennsylvania, residents reported fear and reluctance to contact police after one law enforcement agency in the county joined the 287(g) program. “I don’t know anybody that has called the police since this 287(g) has passed,” a local activist said. “Because they don’t trust them. Domestic violence and labor abuse and all kinds of things are happening and nobody’s going to help.”<sup>193</sup>

In Lake Worth Beach, Florida, where just under half of all residents are Latine, residents and activists have warned that children are not going to school out of fear, people are afraid to go to work, and neighbors are no longer seen outside their homes.<sup>194</sup> In December 2025, a local community campaign posted signs around the city with messages such as “Florida Highway Patrol Kidnapped Someone Here.”<sup>195</sup> A local city commissioner said that local police had taken a “credibility hit” because “[i]f the perception is out there that they’re involved with ICE, you already are going to have a diminishment of local law enforcement ... people don’t trust them then. The whole label of serve and protect — you have now a lot of people who don’t feel served and protected.”<sup>196</sup>

When local police engage in immigration enforcement, they render themselves “indistinguishable” from federal agents.<sup>197</sup> Particularly because federal agents increasingly do not wear identification and conceal their faces behind masks in 287(g) jurisdictions, it

is impossible for the public to know whether local arrests by masked agents involve local police — leading to distrust, fear, and blame.

## **Diverting Resources from Public Safety and Other Vital Needs**

An agency’s participation in the 287(g) program saps and diverts limited law enforcement resources. Local law enforcement agencies devoting time to checkpoints, interrogations, and other collusion with ICE have less staff time and resources to address serious and urgent public safety needs. For example, when Maricopa County, Arizona took part in the Task Force Model of the 287(g) program in 2008, “[d]eputies failed to meet the county’s standard for response times for life-threatening emergencies, with two-thirds of patrol cars arriving late to the most serious calls for police assistance.”<sup>198</sup>

As Dubuque County, Iowa Sheriff Joe Kennedy explained to a local news outlet:

“If I’m here, in Dubuque County having a heart attack- I don’t really want to hear that there’s no officer responding to assist because they’re assisting in Allamakee County with an ICE raid ... I don’t think it’s in the best interest of the people in Dubuque County, using Dubuque County dollars, in other places, to help enforce what the federal government is supposed to be doing.”<sup>199</sup>

The Dallas, Texas Police chief declined to join the 287(g) program despite an alleged \$25 million offer from ICE, with a requirement that Dallas officers meet a quota of detaining “50 people a day,” saying it would divert officers from core policing duties and harm the department’s efforts to improve response times. (ICE denied the quota.)<sup>200</sup>

Under the jail-based models of the 287(g) program, local police that lack enough jail space overall hold people for ICE on detainers, even if those people pose no public safety threat. From the perspective of law enforcement, when jails use space to hold

individuals for ICE — keeping these individuals beyond their release date and against the better judgment of local officials — it means they are foregoing detention of individuals they believe do pose a serious public safety risk.

## **Regulatory Agencies and Other New State Partners**

ICE is also enlisting partners from a variety of state agencies, diverting them from their core missions. ICE may simply be seeking to augment its capacity for ground operations, or it could be seeking to use these agencies’ access to residents’ information to identify more people for deportation.

For example, the Louisiana governor’s 287(g) order resulted in the Louisiana State Fire Marshal, which is charged with preventing and investigating fires, joining the 287(g) program.<sup>201</sup> In Texas, the Office of the Attorney General’s Criminal Investigations Division, which describes its mission as assisting local and county law enforcement who lack their own resources for serious crime investigations,<sup>202</sup> touted its detention and transfer of 85 people across multiple metropolitan areas.<sup>203</sup>

Additionally, Florida’s immigration enforcement plan envisions using eight of its agencies — including its Department of Health — to support “intelligence sharing operations in regard to illegal aliens conducted by DHS partners.” It proposes “integrated patrol operations” including “[i]mmigration screenings at/before airport checkpoints to identify illegal aliens.”<sup>204</sup>

## **PARTNERS IN 287(g)**

### **New 287(g) Enlistments Include:**

- State agencies involved in environmental, gaming, and agricultural regulation in Florida, Louisiana, and Virginia,<sup>205</sup> as well as the Florida Department of Lottery Services;
- Attorneys general’s offices in Florida, Guam, Mississippi, and Texas;
- Bureaus of investigation in Kansas and Oklahoma;
- Drug regulation agencies, including the 16th Judicial District Drug Task Force in Arkansas, Oklahoma Bureau of Narcotics, Florida Division of Alcoholic Beverages and Tobacco, and Louisiana Alcohol and Tobacco Control;
- Louisiana Office of the State Fire Marshal; and
- Airport police departments in Florida.

### **The 287(g) Trap: Losing Resources for Law Enforcement’s Priorities**

Some law enforcement leaders who recently joined the 287(g) program said they did so to combat human trafficking and drugs in their communities.<sup>206</sup> In fact, the Trump administration’s deportation drive comes at the cost of a major diversion of law enforcement resources at the state, local, and federal levels. Across the nation, joint task forces focused on child trafficking and the flow of fentanyl have been disbanded, child exploitation

investigations and cases have been suspended or canceled, and federal agents normally focused on combating human smuggling and sex trafficking have been diverted to immigration enforcement.<sup>207</sup> As former ICE Chief of Staff Jason Houser put it: “When the FBI, DEA, ATF are all doing checkpoints in [Chicago’s] Little Italy tomorrow, the human trafficking, the sex trafficking, the Jeffrey Epsteins, the fentanyl traffickers — they don’t quit.”

The vast majority of civil immigration arrests bear no relationship to serious crimes affecting American communities. Just 3 percent of immigrants detained between September 21 and November 16, 2025 had criminal convictions; this was the latest period for which data was available at the time of publication.<sup>208</sup> In many states, the majority of immigration arrests were of people whose only legal violation was for their immigration status.<sup>209</sup>

Dragnet targeting of immigrants as potential drug traffickers and perpetrators of serious crimes has no evidentiary basis. Numerous studies show that immigrants are less likely to commit crimes than citizens, and increased immigration does not raise crime levels.<sup>210</sup> In 2024, four out of five individuals convicted of drug trafficking were U.S. citizens,<sup>211</sup> while between 2022 and 2024, just 11 people who entered the United States between ports of entry and were stopped by Border Patrol were carrying fentanyl.<sup>212</sup>

While they divert police and community resources to immigration enforcement, ICE collaboration programs including 287(g) do not drive down rates of serious crime.<sup>213</sup> Studies show that participation in the program drives up arrest rates and instances of holding people in local jails for minor criminal offenses and traffic infractions — in some counties, solely on the misdemeanor charge of driving without license.<sup>214</sup> These offenses “do not have any material relationship to community safety,” while outsourcing to local law enforcement means “ICE escapes accountability for racial profiling, disparate sentences and family separation,” as one scholar puts it.<sup>215</sup>

# Law Enforcement Professionals Concerned About 287(g) Program Harms to Public Safety

**Sheriffs, police chiefs, and prosecutors are some of the leading critics of the 287(g) program** because it makes people less likely to seek urgently needed police protection, report serious crimes, and serve as witnesses. For decades, law enforcement leaders have declined to participate in immigration enforcement because strong policing depends on community trust — and that is impossible to achieve when local police are turning people over to ICE.<sup>216</sup>

Sheriffs and other law enforcement leaders have pushed back against 287(g) participation precisely because of these negative effects:

“ Many local police want no part of this. When people in our community are too afraid to call 911, it puts everyone at risk. Building trust is essential to effective policing at the local level, and 287(g) agreements in particular threaten the trust we’ve spent decades working to build at the local level.

— **Washtenaw County, Michigan Sheriff Alyshia Dyer, September 2025**<sup>217</sup>

“ If people are not willing to call us and tell us what’s going on, tell us they’ve been victimized, cooperate as witnesses, all of that leads to a situation that makes the potential for everyone in this city to be victimized that much worse. The effect of the climate over the last month has been that a lot of folks in different communities don’t know the difference between my badge and an ICE badge.

— **Minneapolis Police Chief Brian O’Hara, March 2025**<sup>218</sup>

“ Chiefs do not support routine, civil immigration enforcement by local police officers. This position is firmly based on both established law and policy. Enforcement of routine civil immigration by police would undermine the trust and cooperation with immigrant communities which are essential elements of community oriented policing.

— **Major Cities Chiefs, “Immigration Policy,” November 2024**<sup>219</sup>

These law enforcement concerns are longstanding. During the Biden administration, law enforcement officials warned DHS that “the 287(g) program needs to end immediately in order to increase crime reporting and strengthen local law enforcement.”<sup>220</sup> Two former prosecutors and a chief of police explained: “We’ve seen how these agreements make victims reluctant to report crimes or assist investigators for fear of being detained and deported. Witnesses are silenced, domestic violence and sexual assaults go unreported, and crimes remain unsolved.”<sup>221</sup>

**The 2015 report of the President’s Task Force on 21st Century Policing concluded that “whenever possible, state and local law enforcement should not be involved in immigration enforcement.”**<sup>222</sup>

## Protecting Their Community, Budget, and Residents: Law Enforcement Leaders Declining to Participate in 287(g)

Many law enforcement leaders have declined to join the 287(g) program or opted to leave it — even where they agree with the administration’s deportation agenda. Their concerns include limited resources and diversion from their core mission. **Examples include:**

- Pima County, Arizona Sheriff Chris Nanos: “There’s just nowhere in my duties or responsibilities as the sheriff here that I should be involved or engaged” [in migrant round-ups]. ... “That’s not what we’re here to do.”<sup>223</sup>
- Madera County, California Sheriff Tyson Pogue: “I believe that local law enforcement’s responsibility lies in maintaining public safety and enforcing state and local laws. While I fully support the removal of convicted dangerous criminals as a means to protect public safety, immigration enforcement is a federal responsibility. Our office does not have the resources to dedicate to this function, as our personnel and funding are focused on addressing local crime and community safety.”<sup>224</sup>
- Dubuque County, Iowa Sheriff Joe Kennedy: “If they wish to crack down on immigration, that’s fine. I don’t have an issue with that. ... But, if that’s your position, then you go hire the people that you need and you go do the job. You don’t say that this is what you want done and dump it off on other people.”<sup>225</sup>
- Jackson County, Wisconsin Sheriff Duane Waldera: “It is my stance that immigration is a federal issue, and the federal government would have to address it.”<sup>226</sup>
- Buncombe County, North Carolina Sheriff Quentin Miller: “I have repeatedly spoken out against cooperation with ICE, saying federal immigration law is not the responsibility of local officers and damages law enforcement’s trust within the immigrant community.”<sup>227</sup>

Many law enforcement agency leaders believe their agencies are already chronically under-staffed — and that participation in the 287(g) program would overstretch their forces:

- Orleans Parish, Louisiana then-Sheriff Susan Hutson said, “I cannot do ICE’s work. We have too many things we need to do.”<sup>228</sup>
- Canyon County, Idaho Sheriff Kieran Donahue said required training would have a direct impact on the time and manpower at his agency: “And quite frankly, I have enough to do in terms of my own criminality here. My people are humping it every day. ... At the end of the day, I do not enforce immigration law.”<sup>229</sup>
- Summit County, Ohio Sheriff Kandy Fatheree said she can’t afford to have any of her personnel deputized as immigration officers: “I’m already 32 deputies down. ... There’s no police department that I know in this nation that is at full capacity and turning people away.”<sup>230</sup>
- Genesee County, Michigan Police Chief Matt Bade reversed course on his agency’s 287(g) agreement because of “operational capacities” and a need to reassign his staff to other duties.<sup>231</sup>
- Barnstable County, Massachusetts Sheriff Buckley said: “We pay taxes to the federal government to do their job, and there is no reason for the local police or sheriffs to do that work.”<sup>232</sup> She added, “My decision to end the 287(g) agreement was not an indictment of the work that [ICE does]; it was related to the operational capacity of the sheriff’s office. I am committed to not voluntarily doing the work of ICE,” including by “using personnel to determine someone’s immigration status and lodge ICE detainees.”<sup>233</sup>

# Recommendations: How to Resist Reckless 287(g) Expansion

While the Trump administration and its allies in state government have succeeded in vastly expanding the scope, size, and potential damage of the 287(g) program, the last year has also seen examples of state and local officials reconsidering, resisting, and reversing 287(g) agreements and collusion with federal immigration enforcement.

## Recommendations to Cities and Counties

In many communities, law enforcement leaders are joining the 287(g) program without first obtaining approval of the city council or county board, sometimes in contravention of state law. On reconsideration of public input, some agencies have quietly reversed course. **For example:**

- In Delaware, the city of Camden quickly withdrew from a newly signed 287(g) agreement in response to public uproar.<sup>234</sup>
- Center Line, Michigan withdrew from an agreement one day after 75 people showed up at a city council meeting in protest. “After all of the discussions, after hearing the public, and we had an internal discussion, we just felt that the juice wasn’t worth the squeeze,” a city official said.<sup>235</sup>
- Two police departments in Pennsylvania quickly reversed their participation in December 2025 following local news outlets’ inquiries.<sup>236</sup>
- In Maine, the Town of Wells rescinded its agreement with ICE in October 2025 following widespread public backlash, and the towns of Winthrop and Monmouth withdrew their request to enter into a 287(g) agreement.<sup>237</sup>

These actions should prompt other cities and counties to re-examine and potentially reverse their decisions to join the program — or at least take measures to promote good governance and limit their law enforcement agencies’ participation. Indeed, advocates have proposed such measures, calling for reports on overtime, training costs, release practices, and how many people are affected.<sup>238</sup>

***City councils and county boards should take all feasible measures to reverse new 287(g) agreements or prohibit future agreements. Short of such measures, we recommend:***

- City and county attorneys conduct liability assessments, including assessing whether current insurance programs, coverage, and limits are adequate. They should make forthright recommendations to municipalities regarding joining or continuing participation in the program.
- City and county comptrollers study and issue reports regarding the potential financial impacts of participation in federal immigration enforcement.
- Local city officials, including boards that provide civilian oversight of law enforcement agencies, conduct assessments of how agency staffing and resources will be affected by collusion with federal immigration enforcement prior to law enforcement signing a new 287(g) agreement.
- State and local oversight bodies, in consultation with the state attorney general, assess the sufficiency of ICE’s trainings for 287(g) officers and determine whether supplementing them

with trainings on state law and constitutional protections is necessary prior to any city or county participation in immigration enforcement.

## Recommendations to Law Enforcement Agencies Under a 287(g) Mandate

While, as noted earlier, many law enforcement agencies have opted not to join the 287(g) program, in some states law enforcement agencies face pressure to join the 287(g) program due to state laws and intimidation by state lawmakers. Even law enforcement leaders who join the program have choices on how they participate. We recommend that law enforcement agencies:

- Decline to join the Task Force Model of the program, which involves the greatest risk of liability and diversion of policing resources.
- Decline to enter a detention agreement alongside their 287(g) agreement; if ICE declines to pick up an individual, they should not continue detaining them.
- Direct that only one officer be designated and trained for 287(g) participation, without running afoul of state mandates.
- Document financial costs, staffing and other operational impacts, and seek liability assessments from city or county officials.
- Set clear supervisory pre-approval guidelines for any participation in, assistance with, or response to federal agents' requests as a matter of ensuring compliance with the agency's own guidelines, as well as local and state law.
- Track public concern and impacts on community trust by organizing town halls, receiving public complaints, and meeting with community stakeholders.

## Recommendations to State-Level Officials

In 2025, Maine enacted a law to prevent local law enforcement resources from being diverted to immigration enforcement, with its governor penning an op-ed in December 2025 to explain her support for the measure — describing the imperative not to “turn a blind eye to ICE’s unacceptable actions.”<sup>239</sup> Spurred to action by the Trump administration’s attempted expansion of 287(g) into the state, in June 2025, the Delaware legislature passed legislation banning 287(g) agreements. In 2026, New Mexico and Maryland passed legislation banning 287(g) agreements, while Virginia’s newly elected governor issued an executive order directing state agencies to end their participation.<sup>240</sup>

These states joined New Jersey, Connecticut, Illinois, Washington, Oregon, and California, which have long prohibited 287(g) agreements or collusion more generally.<sup>241</sup> State legislatures across the country should join these states and pass legislation to prohibit their law enforcement agencies from participating in the 287(g) program.

***State legislatures should prohibit participation in the 287(g) program. If a ban is infeasible, state legislators should propose legislation to:***

- Prohibit law enforcement agencies in the legislature’s jurisdiction from joining the Task Force Model of the program, in light of the risk of racial profiling and other violations of state law.
- Prohibit any law enforcement agency in the legislature’s jurisdiction from diverting more than 10 percent of a designated officer’s time to federal immigration enforcement work, and require participating agencies to provide a monthly report of all 287(g)-related work undertaken.

- Prohibit law enforcement agencies from seeking federal 287(g) program-related funding to cover salaries, equipment, and bonuses, in light of the risks of entanglement with federal abuses.
- Require law enforcement agencies to obtain prior approval from the state attorney general or governor prior to submitting an application to DHS to join the 287(g) program.
- Require law enforcement agencies seeking to participate in the 287(g) program to obtain a financial cost and liability assessment from the state comptroller, state attorney general, or other designated state official prior to submitting an application to DHS. Require the assessment be made public and shared at a public hearing, with an opportunity for stakeholders to provide input.
- Require law enforcement agencies joining the program to subject any designated officers to additional state-level training programs regarding compliance with civil rights and state law.
- Require that participating law enforcement agencies publicly report the number of officers involved, hours spent, and resources used, as well as racial profiling-related data. Ensure that the agreements and the data needed to assess the program's impacts are treated as public records subject to release, and require cities and counties participating in the 287(g) program to hold periodic community forums to receive and consider public comment regarding its impact on the community.

### ***Recommendations to State Governors***

- Withdraw from state-level 287(g) agreements, including those involving the state highway patrol, department of corrections, and other state agencies.
- Issue an executive order to set up an accountability commission regarding abuses arising from federal, state, and local agency conduct in immigration enforcement.<sup>242</sup>

### ***Recommendations to State Attorneys General***

In 2025, Minnesota, New Mexico, and Maryland's state attorneys general issued guidances warning state and local law enforcement about participation in the program, including their liability.<sup>243</sup> Other state attorneys general with similar authorities should follow suit. We recommend state attorneys general:

- Review whether state law prohibits state and local law enforcement from participation in the 287(g) program or imposes procedural or other limits on participation, and make recommendations to law enforcement agencies on that basis.
- Issue a guidance or opinion to law enforcement agencies regarding participation in the program and collusion with federal law enforcement more generally, identifying potential sources of liability and other harms.
- Reach out to law enforcement agencies in the state to provide guidance regarding their participation.
- Establish a civil rights working group within the attorney general's office to assess public complaints and, where appropriate, prosecute federal, state, or local officials for civil rights violations arising from immigration enforcement.

### **Recommendations to Congress**

- Repeal authority for the 287(g) program in light of its misuse and history of abuse. Short of this, set clear limits on the 287(g) program.

#### **For example:**

- Prohibit ICE from entering agreements with non-law enforcement agencies, such as state National Guard.
- Prohibit the Task Force Model of the program.
- Reaffirm that any state or local activity conducted on the basis of 287(g) authority must be at state expense, rather than federal funding.

- Repeal any federal funding that has the intent or purpose of diverting state or local law enforcement from local public safety missions to federal immigration enforcement work.
- Pass legislation to re-establish and expand the authority of the Department of Homeland Security Office for Civil Rights and Civil Liberties, and require it to conduct ongoing oversight of the 287(g) program, exercised jointly with the Department of Justice Civil Rights Division, as well as approve of any new 287(g) program participant.
- Conduct oversight hearings regarding racial profiling and community harm arising from the expansion of the 287(g) program.
- Request a Government Accountability Office study regarding the expansion and effectiveness of the 287(g) program.

# Methods

This report builds upon existing research on the 287(g) program by examining the expansion and recent conduct of participating 287(g) agencies through desk research, with specific attention to evidence of civil rights and civil liberties violations. It draws on documentation arising from news outlets, official government publications, ACLU and ACLU affiliates' litigation, and scholarship.

## Research Review

We reviewed published news, legal, and government sources to identify changes in the operation and scope of the 287(g) program from the start of the second Trump administration in January 2025 to January 26, 2026. Criteria for research review:

- Empirical research using quantitative, qualitative, and/or mixed methods, including meta-analysis or systematic reviews
- Research addressing state or local government collaboration with federal agencies for immigration enforcement
- Research focused on states where collaboration was not prohibited by state laws<sup>244</sup>

We also reviewed the published empirical research, including quantitative, qualitative, mixed-methods, and systematic reviews, on the impacts of the 287(g) program and other forms of collaboration with ICE on communities, including participation in immigration arrests and honoring of ICE detainees. Following an initial scoping review, we narrowed our focus to research in three main areas: 1) incidence of racial profiling and other civil rights violations; 2) the effects on public fear and crime reporting; and 3) the effects on public safety and incidences of serious crime. Research sources were identified through iterative searches of peer-reviewed and legal articles, government publications, and organizational reports. In addition to targeted searches, we used citation tracing to identify potentially relevant sources.

# Appendices

## A. Authorities Delegated Under 287(g) Agreement

### Type of 287(g) Agreement

### Authorities Delegated

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#### Jail Enforcement Model (JEM)

- **Interrogate any person detained** in the Law Enforcement Agency's (LEA) detention center who the officer believes to be an alien about his right to be or remain in the U.S. **and to process for immigration violations** any removable alien or those aliens who have been arrested for violating a Federal, State, or local offense.
  - **Serve and execute warrants of arrest** for immigration violations on designated aliens in jail/correctional facilities at the time of the alien's scheduled release in order to transfer custody of the alien to ICE.
  - **Serve warrants of removal** on designated aliens in jail/correctional facilities at the time of the alien's scheduled release that executes the transfer of the alien to ICE for removal purposes.
  - **Administer oaths and take and consider evidence** to complete required alien processing, including fingerprinting, photographing, and interviewing of aliens, as well as the preparation of affidavits and the taking of sworn statements for ICE review.
  - **Prepare charging documents** including the preparation of a Notice to Appear or other charging document for the signature of an ICE officer.
  - **Detain and transport** arrested aliens subject to removal to ICE-approved detention facilities.
  - **Issue immigration detainers.**
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## Type of 287(g) Agreement

## Authorities Delegated

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### Jail Enforcement Model (JEM)

- **Interrogate any “alien or person believed to be an alien** as to his right to be or remain” in the U.S. **“and to process for immigration violations** those individuals who have been arrested for State or Federal criminal offenses.”
- **Arrest without a warrant any alien entering or attempting to unlawfully enter** the U.S. in the officer’s presence or view, **or any alien in the U.S., if the officer has reason to believe the alien to be arrested is in the U.S. in violation of law and is likely to escape** before a warrant can be obtained. Subsequent to such arrest, the arresting officer must take the alien for examination before an immigration officer as to their right to enter or remain in the U.S.
- **Arrest without warrant for felonies which have been committed** and which are cognizable under any law of the U.S. regulating the admission, exclusion, expulsion, or removal of aliens, **if the officer has reason to believe the alien to be arrested is in the U.S. in violation of law and is likely to escape** before a warrant can be obtained.
- **Serve and execute warrants of arrest** for immigration violations.
- **Administer oaths and take and consider evidence** to complete required alien processing, including fingerprinting, photographing, and interviewing of aliens, as well as the preparation of affidavits and the taking of sworn statements for ICE review.
- **Prepare charging documents** including the preparation of a Notice to Appear or other charging document for the signature of an ICE officer.
- **Issue immigration detainers.**
- **Take and maintain custody of aliens arrested** by ICE, or another State or LEA on behalf of ICE.
- **Take and maintain custody of aliens arrested** pursuant to the immigration laws and **transport such aliens to ICE-approved detention facilities.**

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### Warrant Service Officer (WSO)

- **Serve and execute warrants of arrest** for immigration violations on designated aliens in jail/correctional facilities at the time of the alien’s scheduled release in order to transfer custody of the alien to ICE.
  - **Serve warrants of removal** on designated aliens in jail/correctional facilities at the time of the alien’s scheduled release that executes the transfer of the alien to ICE for removal purposes.
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# Endnotes

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