

# HB 370

## Require Sheriff Cooperation with ICE

The ACLU of North Carolina opposes HB 370, an **anti-immigrant bill** that circumvents the local authority of sheriffs by requiring them to cooperate with Immigration and Customs Enforcement (ICE) and assist in the federal government's deportation pipeline or face financial penalties.

The proposal is **blatant political retaliation** against the growing number of sheriffs across North Carolina who have pledged to not assist ICE with targeting or detaining community members for immigration offenses. Sheriffs in Wake and Mecklenburg counties, for example, were elected by voters after promising to end the federal 287(g) program, which has led to family separation, the deportation of thousands, and greater mistrust and fear in our communities.

## What's in the bill?

- It requires sheriffs and jails to comply with all immigration detainer requests made by the U.S. Department of Homeland Security (DHS).
- It requires the police to determine the immigration status of any person who is arrested for any criminal charge, and to notify ICE if the person is not a legal resident or citizen.
- It would require jails to comply with a "request, approval, or other instruction" from the federal government not to release an individual who is held in jail — even if they are eligible for release under North Carolina law.
- It exposes cities, counties, and law enforcement agencies to costly litigation by allowing anyone to take their local government to court if they believe it is preventing immigration enforcement or breaking state law related to immigration. If a city, county, or law enforcement agency is found to be noncompliant, the superior court could issue penalties of up to \$1,500 per day, and subsequent offenses would be \$25,000 per day, putting at risk funds for education, infrastructure, and any other needs.

## Why does the ACLU-NC oppose this bill?

- Local law enforcement involvement in immigration enforcement creates a strong fear and distrust among immigrants; when local police carry out immigration enforcement, immigrants are hesitant to report crimes for fear of being deported.
- Immigration detainers, or ICE hold requests, can lead law enforcement to detain someone without probable cause, in violation of the Fourth Amendment.
- Taxpayers would foot the bill because ICE does not reimburse localities for the cost of holding on detainer requests people who are not yet in ICE custody.
- Empowering local officers to enforce federal immigration laws also encourages racial profiling. Across the country, community members have been targeted for arrest or detention based on their name, skin color, or accent.