



Iowa's Anti-"Sanctuary City" Law Undermines Trust Between Immigrant Communities and Law Enforcement

[Senate File 481](#) seeks to bar so-called sanctuary jurisdictions in Iowa by stripping state funding from cities and counties that have placed limits on local law enforcement's involvement in immigration enforcement. The bill passed the state House on April 3, 2018, [passed](#) the state Senate the following day, and was signed into law by Governor Kim Reynolds (R-Iowa) on April 10, 2018. The bill will take effect on July 1, 2018.

Top Points

- Senate File 481 will strain relationships between local law enforcement and immigrant communities, making it more difficult for law enforcement to do their job. Public safety will be harmed if trust between immigrant communities and law enforcement is undermined.
- Immigration enforcement is traditionally a federal responsibility. Senate File 481 forces local jurisdictions to move limited resources away from core functions to do a job that should be done and funded by the federal government.
- There were no "sanctuary jurisdictions" in Iowa prior to the passage of Senate File 481. The bill bars community trust policies, such as those placing limits on requesting an individual's citizenship or immigration status, which do not violate federal law. The existence of a community trust policy in a jurisdiction does not necessarily make that jurisdiction a "[sanctuary jurisdiction](#)."
- Senate File 481 will require jurisdictions to honor [legally-dubious immigration detainer requests](#), while also preventing law enforcement agencies from establishing policies that prevent unconstitutional racial profiling from taking place.
- When community trust is undermined and immigrant communities conflate the role of local law enforcement and federal immigration authorities, public safety is put at risk.

What Does Senate File 481 Do?

- (1) Makes Immigration Detainers Mandatory:** Senate File 481 requires law enforcement agencies to "fully comply with any instruction" made in a federal detainer request or "any other legal document provided by a federal agency." Because this language is so broad, it could include requests for notification of release and administrative warrants issued by DHS personnel, as well as virtually any document issued by the federal government – even if the document required a violation of the U.S. Constitution.

An immigration detainer request is a request by U.S. Immigration and Customs Enforcement (ICE) to hold an individual in a local jail beyond the person's scheduled release. Federal immigration detainers are not usually accompanied by a warrant, a

judicial order or probable cause determination. Accordingly, multiple federal courts have questioned their legality, and in some cases have found they violated the Constitution, resulting in local jurisdictions facing significant legal liability for honoring a detainer.

(2) Conflates the Role of Local Law Enforcement with Federal Immigration Enforcement: Senate File 481 bans local jurisdictions from maintaining policies prohibiting or discouraging local law enforcement from inquiring about the immigration status of a person detained or under arrest, sending the information to or requesting the information from federal agencies such as ICE, and assisting or cooperating with federal immigration officers. In most circumstances, such policies are [not in violation of federal law](#), which does not require that information regarding citizenship or nationality be collected and does not require the sharing of information beyond citizenship or immigration status.

Senate File 481 also requires local jurisdictions to permit federal immigration officers to enter and conduct enforcement activities at jails and other detention facilities.

By barring policies that limit local law enforcement from carrying out immigration enforcement activities, which have traditionally been the purview of the federal government, and by requiring close coordination between ICE and local jurisdictions, Senate File 481 threatens to conflate the role of local law enforcement with federal immigration enforcement. As two Iowa police chiefs [argued](#) in February 2018, Senate File 481 will diminish community trust, making it less likely that those in immigrant communities will report crimes to local law enforcement and cooperate with investigations: “If they hear of a looming ‘crackdown’ that could affect their families and friends, they are less likely to come to us to report and prevent actual crimes.”

(3) Strains local law enforcement agencies. Encouraging local and state law enforcement to enforce immigration laws strains law enforcement agencies, which have limited budgets and personnel. Senate File 481 places limits on law enforcement agencies that want to devote resources and personnel to areas other than immigration enforcement, diverting resources from other areas. Rather than apprehending and removing immigrants who pose no danger to the community, state and local law enforcement should focus limited resources on true threats to public safety.

In addition, Senate File 481 provides harsh penalties to jurisdictions with policies that contradict Senate File 481, placing them at risk of losing *all* state funding for an entire year. This penalty applies even when the underlying policy does not violate federal law, and applies to all state funding, even funding not related to law enforcement. Such jurisdictions are able to regain state funding eventually after they return to compliance, but only after undergoing a lengthy process.

(4) Will lead to constitutional violations. Senate File 481 will likely lead to constitutional violations.

Courts have found detainer requests that are not accompanied by a judicial warrant or probable cause finding to raise significant Fourth Amendment questions. When local law enforcement holds individuals beyond the expiration of their sentences without a warrant or probable cause finding, they are likely violating the Fourth Amendment. Such violations

result in the State of Iowa and/or the local jurisdiction potentially facing civil liability and monetary damages.

The Iowa legislature attempted to address this issue by extending criminal sentences to give federal immigration authorities time to pick up individuals at the end of their sentences. In situations where federal authorities issue a detainer request against a criminal defendant before sentencing, the sentencing judge is instructed to issue an order extending the sentence for up to seven days and providing for the transfer to federal custody upon release.

However, where a detainer request is not issued until after sentencing, the bill instead permits a detention facility or a law enforcement officer to perform such a transfer beyond the expiration of the sentence if he or she determines that doing so facilitates the seamless transfer into federal custody.

Similarly, by barring local jurisdictions from placing limits on asking about people's citizenship or immigration status, Senate File 481 increases the likelihood of racial profiling in violation of the Fourteenth Amendment. While the authors of the bill included an anti-discrimination provision that attempts to bar racial profiling, forbidding policies that place limits on asking questions relating to citizenship or nationality will likely face [similar racial profiling problems](#) faced by Arizona, Alabama and other states that have passed state legislation aimed at ramping up immigration enforcement.