

## Talking Points on Virginia's SB 270

- SB 270 goes further than federal law by requiring local jurisdictions to hold community members at the request of federal immigration officials.
  - Under federal law, local agencies are not required to hold anyone based on an ICE detainer alone and many local agencies across the country have made the determination that in some cases, holding an individual at ICE's request undermines their primary duty of protecting all residents, regardless of immigration status. SB 270 strips away this discretion.
- SB 270 requires local agencies to hold individuals on an ICE detainer even though these requests have been found by multiple federal courts to violate the Constitution, therefore exposing them to costly legal liability.
  - ICE detainers are not arrest warrants, and unlike criminal warrants, they are not supported by a judicial determination of probable cause, which the Fourth Amendment requires. ICE detainers are issued by ICE enforcement agents themselves without any authorization or oversight by a judge or other neutral decision-maker. As a result, many are issued in error, including hundreds that have been issued against U.S. citizens.
  - Many local agencies that have decided to hold an individual on one of these requests have had to expend resources defending against civil rights litigation and paying financial settlements.
- SB 270 is financially costly to local communities and exposes them to legal liability.
  - Local agencies are not reimbursed for the cost of detaining individuals at ICE's request and will continue to be liable in federal court for these constitutional violations.
- SB 270 undermines community safety for all Virginians by taking away discretion from local police in prioritizing their work.
  - SB 270 interferes with common-sense police efforts to assure crime victims and witnesses that they should feel safe when interacting with police to solve and prevent crimes by requiring that they prioritize enforcement of federal immigration laws.
  - SB 270 conscripts local law enforcement agencies into prioritizing immigration enforcement over local needs to keep communities safe and requires that they foot the bill for it too.